

California State Department of Transportation



Disadvantaged Business Enterprise Program Plan

The DBE Program Plan is being issued as a guidance and has not yet been approved by FHWA or FTA.

"Caltrans improves mobility across California"

November 2006



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NOTE TO READERS OF DBE PROGRAM PLAN

- ◆ **Attachment A#1**, California Department of Transportation, Office of Civil Rights Organization Chart
- ◆ **Attachment A#2**, Glossary, includes the definitions of some of the terminology used in the DBE Program Plan, as well as other useful terminology.
- ◆ **Attachment B**, Internet and website addresses lists those that are referenced in this program plan, as well as other helpful websites.
- ◆ **Attachments C**, Sample DBE race neutral “boilerplate” bid specifications from the Division of Engineering Services-Office Engineer
- ◆ **Attachments D**, Sample DBE race neutral “boilerplate” bid specifications from the Division of Procurement and Contracts
- ◆ **Attachment E**, California Unified Certification Program (CUCP) certification application
- ◆ **Attachment F**, CUCP DBE Renewal Application, including Personal Financial Statement
- ◆ **Attachment G**, Sample CUCP DBE Certificate

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- ◆ **Attachment J**, Local Agency DBE Annual Submittal Form
- ◆ **Attachment K**, DBE Race-Neutral Implementation Agreement for Federal Transit Administration Subrecipients

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PLAN

Commitment to the DBE Program

The California State Department of Transportation (Department) receives Federal financial assistance ("Federal aid") from the United States Department of Transportation (U.S. DOT). As required by federal law, the Department implements a Disadvantaged Business Enterprise (DBE) Program. The Department is committed to implementing its DBE Program in accord with the applicable requirements of 49 Code of Federal Regulations (CFR) Part 26, and has signed an assurance to that effect with U.S. DOT as a condition of continued eligibility for federal financial assistance.

Policy Statement

It is the Department's policy to ensure nondiscrimination in the award and administration of U.S. DOT Federally-assisted contracts in accord with applicable requirements of 49 CFR Part 26. The Department's objectives are to:

- promote and maintain a level playing field on which all small businesses meeting the requisite size standards, including DBE's, can compete fairly for U.S. DOT Federally-assisted contracts awarded and administered by the Department.
- ensure only firms meeting the eligibility standards set forth in 49 CFR Part 26 are permitted to participate as DBEs;
- ensure the DBE Program is narrowly tailored in accordance with applicable law;
- identify and remove barriers to the participation of all small businesses meeting the requisite size standards, including DBEs, in the bidding, award, and administration of U.S. DOT Federally-assisted contracts;
- assist the development of DBEs so they may compete successfully outside of the DBE Program;
- increase the participation of all small businesses meeting the requisite size standards, including DBEs, in the Department's procurement of materials, equipment and supplies; and

- successfully facilitate the implementation of the DBE Program using race neutral measures to the maximum extent.

Responsibilities

Overall responsibility for implementation of the Department's policy of non-discrimination rests with the Department Director, Will Kempton. The Director has delegated responsibility for developing, implementing and monitoring the day-to-day operations of the DBE Program to the DBE Liaison Officer, Olivia Fonseca, Deputy Director, Office of Civil Rights (OCR). The Director expects all the Department's personnel will adhere to the provisions and the spirit of the DBE Program.

Dissemination of Policy Statement §26.23

Upon approval of the Department's DBE Program Plan by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), the Department will issue an executed policy statement reflecting the Department's commitment to the DBE Program. A copy of the Department's signed and dated Policy Statement, describing the Department's commitment to, and objectives for, its DBE Program as well as an outline of responsibilities for its implementation will be circulated throughout the Department, to Local Agencies and to the DBE and non-DBE business communities which perform work on U.S. DOT Federally-assisted contracts.

The Office of Civil Rights, Disadvantaged Business Enterprise Program, publishes and distributes the Policy Statement as an attachment to DBE certification certificates, and as part of the DBE Program Plan, on the Office of Civil Rights Website, through Department and Industry Trade publications and through the Department's Small Business Council. Copies of the Policy Statement and Department's DBE Program Plan can be obtained by contacting:

California State Department of Transportation
Office of Civil Rights
Disadvantaged Business Enterprise Program, MS-79
Sacramento, CA 95814
(916) 324-1700
toll free (866) 810-6346
Website: <http://www.dot.ca.gov/hq/bep/>

If you have questions or would like further information regarding the DBE Program, please call Olivia Fonseca, Deputy Director of the Office of Civil Rights, and the Department's DBE Liaison Officer, at (916) 324-1700.

I. DBE Liaison Officer (§26.25)

The Deputy Director of the OCR has direct access to the Director of the Department and is responsible for developing, implementing and monitoring all aspects of the DBE Program on a day-to-day basis. The Deputy Director works closely with various Department managers and consultants and has over 50 full-time staff members in the OCR that assist in the daily delivery of Federal DBE requirements. The Deputy Director may be contacted as follows:

Olivia Fonseca, Deputy Director
Office of Civil Rights
1823 14th Street, MS-79
Sacramento, CA 95814
Phone (916) 324-1700
Facsimile (916) 324-1949
Email: olivia_fonseca@dot.ca.gov

The Deputy Director of the Office of Civil Rights:

- Develops and implements DBE policy;
- Advises the Director and governing bodies on DBE matters and achievements;
- Provides guidance and oversight to the administrators on all functional DBE program elements in the Department;
- Promotes the DBE Program through public outreach;
- Serves as the Small Business Advocate for the Department;
- Assists all small businesses meeting the requisite size standards, including DBEs, in obtaining the necessary resources to compete fairly in the California transportation marketplace by providing resources in management, technical areas, bonding, financing, and other supportive services;
- Oversees the gathering and reporting of statistical data and other information as required by U.S. DOT;
- Administers the review of third party contracts and purchase requisitions for compliance with the DBE Program;
- Establishes and maintains good working relationships with local agencies and community-based organizations;
- Plans and participates in small business training seminars;
- Oversees the training provided to State officials having line responsibilities for the DBE Program;
- Implements and monitors the DBE certification process according to 49 CFR Part 26;
- Represents the Department in the Unified Certification Program in California;
- Oversees the certification appeals process as the final decision maker;
- Delegates authority to the Deputy Division Chief of the Division of Engineering Services-Office Engineer (DES-OE) and the Chief, Division of Procurement and Contracts (DPAC), for the maintenance of the Department's bidders list and DBE records and reports, pursuant to 49 CFR, Part 26, Section 26.11 and providing this information to the Deputy Director, Civil Rights;

- Provides guidance in establishing the annual statewide goal-setting methodology and goal;
- Participates in the maintenance of a statewide directory of certified DBEs through the California Unified Certification Program (CUCP);
- Ensures the timely preparation and submittal of semi-annual and annual reports to FHWA/FTA; and
- Ensures that the Department analyzes subrecipient progress toward the Statewide overall DBE goal attainment and helps identify ways to improve progress.

An organization chart (see Attachment A# 1) identifies OCR activities by program area.

In addition to the Deputy Director of the Office of Civil Rights and the DBE Program staff, staff in other Divisions within the Department also have important DBE Program responsibilities. Delegation of authority for administration of the DBE Program has also been made to the Division of Construction, the Division of Mass Transportation, the Division of Local Assistance and the Division of Transportation Planning.

These are listed in the new DBE Program Plan in SECTION V. Division of Engineering Services – Office Engineer, Contract Advertisement and Award; SECTION VI. Division of Construction, Contract Administration; SECTION VII. Division of Procurement and Contracts, Service Contracts, Architectural and Engineering Consultant Contracts and Minor B Contracts; and SECTION VIII. Subrecipient Monitoring Processes and Procedures, Sub Section A., Division of Mass Transportation, Sub Section B., Division of Local Assistance, and Subsection C., Division of Transportation Planning.

SEE ATTACHMENT A #1

CALIFORNIA STATE DEPARTMENT OF TRANSPORTATION

OFFICE OF CIVIL RIGHTS

ORGANIZATION CHART

II. Administrative Requirements (49 CFR Part 26 Subpart B)

A. Nondiscrimination DBE (§26.7)

The Department does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

The Department does not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

B. Record Keeping and Reporting (§26.11)

1. Scheduled Reporting

The Department provides semi-annual and annual DBE achievement reports to the U.S. DOT Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

2. Bidders List

Per State of California, Department of Transportation Executive Order 04-04, dated January 8, 2004, the Deputy Director for Civil Rights has delegated the responsibility for maintaining the bidders list to DES-OE. The Department created an initial bidders list through a mass mailing to firms identified from a variety of Department databases related to contracting. In 2005, the Department created an Internet survey form to enhance the Department's bidders list. The survey form is located on the DES-OE Internet page at <http://www.dot.ca.gov/hq/esc/oe/>. Bidders may click on Bidders List Survey to complete and submit the information required by Section 26.11.

Bidders are informed that the information will need to be updated annually. Bidders will receive an e-mail requesting an update; bidders will be provided a unique Web ID to facilitate the annual update of their information.

For the Department's Division of Procurement and Contracts (DPAC), each Contract Manager maintains or establishes a bidders list to send in with their contract requests. In addition,

DPAC has a vendor database of all contractors awarded executed contracts for reference by all.

3. DBE Program Annual Element Update

The DBE Program Annual Element Update is submitted to FHWA and FTA on or before October 15th of each year. It supplements the Department's DBE Program Plan, provides information about the Department's achievements during the previous year and discusses planned activities for the next fiscal year.

4. Ad-Hoc Reports

Information regarding the program are submitted to the U.S. DOT/FHWA as directed or requested.

C. Federal Financial Assistance Agreement Assurance [§26.13(a)]

The Department has signed the following assurance, applicable to all U.S. DOT-assisted contracts and their administration. Furthermore, the same language appears in financial assistance agreements with all subrecipients of U.S. DOT-assisted contracts:

"The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of *49 CFR Part 26*. The recipient shall take all necessary and reasonable steps of *49 CFR Part 26* to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts. The recipient's DBE Program, as required by *49 CFR Part 26* and as approved by U.S. DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement."

Upon notification to the recipient of its failure to carry out its approved program, and the U.S. DOT informs the Department or its subrecipients of their failure to carry out their approved program, U.S. DOT may impose sanctions as provided for under *49 CFR Part 26*. They may also, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

D. Federal Non-Discrimination Assurance [§26.13(b)]

The bid documents for all Federal-aid projects include the following assurance:

“The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.” The bid documents also state, “Each subcontract signed by the bidder must include this assurance.”

E. DBE Program Updates (§26.21)

In addition to the DBE Annual Element Update, the Department provides U.S. DOT with updates representing significant changes in the program as they occur. The Department understands that all changes must be approved by FHWA and FTA prior to implementation.

F. Prompt Payment (§26.29)

All Federal-aid and U.S. DOT assisted projects include a specification that directs bidders' attention to California Public Contract Code (PCC) Sections 10262 and 10262.5. These PCC sections direct prime contractors to pay all subcontractors for work within 10 days of the prime contractor's receipt of progress payment for the subcontractors work.

All Federal-aid and U.S. DOT assisted projects also include a specification that the Department will not withhold retention from the prime contractor, and that the prime contractor and any of its subcontractors may not withhold retention from any subcontractor.

G. California Unified Certification Program (CUCP) (§26.81)

The Department participates in an active DBE directory. As mandated by the U.S. DOT, CFR Part 26, all U.S. DOT recipients of Federal financial assistance must participate in a statewide UCP. In compliance with the regulations, the Department was the main driving force in establishing the California Unified Certification Program (CUCP), the intent of which is to lessen the burden of paperwork and time from firms seeking DBE certification from multiple agencies, as well as lessening the burden of paperwork on the participating agencies themselves.

Under the CUCP, which currently has 14 certifying member agencies, the certification of any firm certified by a participating California agency is accepted by all the other California certifying agencies participating in the program. There are currently over 4,000 certified DBE firms in the shared database. Since this is the mechanism that has been established in accordance with the latest applicable Federal regulations, the Department does not accept any reciprocal DBE certification agreements from non-CUCP members.

H. DBE Database Directory (§26.31)

The DBE Database Directory is provided pursuant to §26.31 and is accessible electronically and as printed copy. It provides a list of DBE firms that are certified by the CUCP to do business on U.S. DOT Federally-assisted contracts in the State of California. The following information is provided for each DBE firm: name, contact person, address, telephone number, e-mail address and website address, location information where the firm is willing to work. In addition, the North American Industrial Classification System (NAICS) codes, work category codes and licenses are also listed. Confidential information about DBEs is not distributed.

A published hard copy of the directory is available at a cost of \$20.00. The directory may be ordered by contacting Publications at (916) 445-3520, or sending a request to the address below.

California State Department of Transportation
Publications Unit
1900 Royal Oaks Drive
Sacramento, CA 95815

A copy of the directory can also be obtained by going to www.dot.ca.gov/hq/bep and downloading the current information on DBE-certified firms.

I. Over-Concentration (§26.33)

The Department considers criteria to determine DBE over-concentration in types of work based on the analysis of contract data collected from the Division of Construction on major construction projects.

J. Quotas (§26.43)

Federal regulations prohibit the use of quotas and the Department does not use them in the administration of this DBE Program.

K. Small Business Development Programs (§26.35)

In accordance with DBE regulations contained in 49 CFR, the Department established the Small Business Development Program to assist small businesses in the ability to compete successfully in the marketplace.

For example, District 07 implemented a Mentor-Protégé Program In November 2005. "Prime Consultants" were approached to participate as mentors, and forums were held to discuss the program and solicit participation of potential proteges. The program is centered on developing protégé business acumen to increase their potential to be awarded State and other contracts.

The program encourages mentors and proteges to enter into Memoranda of Understanding (MOU) for a period of one or two years. The MOU's establish the goals and expectations for each party involved. Details are left to the parties, although a draft MOU template is available from the District. There are currently 32 entities signed up as mentors, and 30 signed up as proteges.

The District has a web site link and for more information, including a list of participants at:

<http://www.dot.ca.gov/dist07/dbemp/index>

1.) Small Business Program

The Department's Small Business Advocate is responsible for identifying and implementing innovative acquisition operating processes, such as payment processes and strategies to encourage and assist small businesses in participating in state contracts.

The Department's Small Business activities are directed through the Small Business Services Unit of the Office of Civil Rights. Activities of the program include, but are not limited to, assisting small businesses in learning how to do business with the Department; participating in forums to hear about and address small business issues; developing and implementing methods for outreach and promotion of small businesses, including DBEs, to the public and Department districts; and developing brochures and other written material and marketing tools that promote small businesses and DBE participation in contracts.

In addition the Small Business Services Unit coordinates and facilitates Small Business District Liaison training sessions, and maintains the Department's Small Business Advocate e-mail posted on the Civil Rights website, with the main purpose in assisting small business with information regarding certification, doing business with the Department, upcoming outreach events, etc.

The Small Business Services Unit also creates a calendar of outreach events statewide and posts them on the Civil Rights website for disseminating information on networking opportunities for all small businesses, provides expertise and advocacy for Department efforts to comply with Federal requirements for statewide participation of all qualified small businesses, including DBE's in contracting opportunities within the Department.

2.) The Small Business Council

As a race-neutral outreach measure, the Department established a Small Business Council that represents approximately 34 statewide DBE organizations to assist all small businesses in gaining the ability to compete successfully in the marketplace. The Council is comprised of representatives from business trade associations, the Department and the construction industry. There are five standing subcommittees: Construction, Commodities, Professional Service, Executive, and DBE Annual Goal Subcommittee.

The purpose of the Council is to:

- Promote the effective implementation of Federal and state requirements;
- Assist with issues relating to small business participation in the Department's contracts; and
- Provide a forum where small businesses, in an advisory capacity and from their unique perspective, can offer suggestions to the Department regarding its practices and procedures.

The Small Business Council's primary focus is the Department's contracts. The inaugural meeting of the Council was on June 25, 1999; it has met regularly since then.

L. Monitoring Actual DBE Participation (§26.37)

The Department monitors and tracks actual DBE participation through contractor and subcontractor reports of payments and other appropriate monitoring methods (see the following Sections of this Program Plan for further details: SECTION VI. Division of Construction; SECTION VII. Division of Procurement and Contracts; and SECTION VIII. Subrecipient Monitoring Processes and Procedures, which includes the Division of Local Assistance. On a semi-annual basis, the Department receives input from the program areas identified above and also receives data annually from the Uniform Report of DBE Awards or Commitments and Payments which are sent to FHWA and FTA. DBE participation is counted toward the statewide overall DBE goal, in accordance with the federal regulations.

M. Submitting the Statewide Overall DBE goal (§26.51)

The statewide overall DBE cumulative goal for 2007, to be achieved by race neutral measures, is 10.5 percent for projects funded through the FHWA and 4 percent for projects funded through the FTA. The goal is subject to change on a semi-annual basis.

III. Race-Neutral Measures Designed to Assist All Small Businesses Meeting the Requisite Size Standards, Including DBEs

Race-neutral activities include:

1. The Department's Small Business Council, (described in Section K. "Small Business Development Programs, Section 2. "Small Business Council").
2. A schedule of ten training sessions per year on construction – related topics by the Northern California Supportive Services Consultant, with three classes per training session.
3. Outreach activities that provide information to the small business contracting community with respect to specific contracting opportunities include:
 - Having the CUCP DBE Directory available, by mail and on the Internet.
 - Marketing the California Unified Certification Program (CUCP) database of certified DBEs, that are also small businesses meeting the requisite federal size standards and stressing the user-friendly format.
 - Periodically, updating the Office of Civil Rights' web site information on small business activities so that anyone interested may get practical advice on how to market their business, find contracting opportunities with the Department and other state agencies, and other valuable information.
 - Partner with other Divisions to generate ideas for enhancing the overall success of all small businesses meeting the requisite size standards, including DBEs, and reaching out to local agencies for ideas that can be tailored for the needs within their jurisdictions. Post "Best Practices" on Departmental website.
 - Researching the race-neutral activities of other states and noting their best practices.
 - Work with organizations such as the Associated General Contractor's (AGC) and the Consulting Engineers and Land Surveyor's of California (CELSOC), to identify ways to assist small businesses, meeting the requisite size standards, including DBEs, to increase their opportunities to participate

as contractors or subcontractors on the Department's projects and contracts.

- Expand the technical assistance and supportive services to a statewide level to provide small businesses meeting the requisite size standards, including DBEs, with assistance on bidding and contract administration.
- Continue to partner, with the Small Business Administration, Small Business Development Centers and other agencies, assisting and advocating for all small businesses meeting the requisite size standards, including DBEs.
- Continue to remind bidders of the prompt payment specifications, which helps all subcontractors, including DBEs.
- Continue to participate in outreach events to inform all small businesses meeting the requisite size standards, including DBEs, on how to do business with the Department.
- Continue to track all DBE participation on federally assisted contracts, including monitoring the Commercially Useful Function of those DBEs.
- Encourage all businesses to attend scheduled pre-bid and outreach meetings. Facilitate networking among bidders.
- Distributing a weekly "Ads for Bid" on the Internet describing projects advertised for bid, and providing lists of prime contractors and subcontractors on individual projects to the public.
- Disseminating a brochure called the "Caltrans Quick Reference Information for Contractors". The brochure is updated yearly or on an "as needed" basis and contains useful website addresses/information for contractors, such as where to order bid documents, bidder assistance providers, where to get bid opening results and contractor's license information.

- Publication of a booklet called "How to do Business with Caltrans," which provides a wealth of information on a wide range of procurement topics, especially to contractors new to doing business with the State of California. This includes how to market their commodities or services to the Department, as well as how to market their commodities or services on a statewide basis, through the California State Department of General Services.
- Providing information on where to obtain assistance with bonding and insurance.

IV. DBE Certification Standards and Procedures (49 CFR Part 26 Subparts D and E)

The DBE certification process allows small businesses, which are independently owned and controlled by one or more socially and economically disadvantaged individuals, admittance into the DBE Program. The Department's goal is to remove barriers to DBE participation in federally-assisted highway and transit projects. DBE certification standards and procedures include collecting information, applying the criteria for eligibility, providing a DBE eligibility determination and implementing an appeal process for denials and decertifications.

In accordance with 49 CFR Part 26:

- The Department makes certification determinations based on all of the requirements of Part 26 Subpart D - Certification Standards and Subpart E- Certification Procedures;
- The Department provides eligibility determinations for new candidates within 90 days of receipt of a *complete* application;
- The Department safeguards applicant information and documents in accordance with §§26.109, 26.67(a)(2)(ii); the California Government Code Section 6250 et seq.; and California Civil Code Section 1798 et seq., Information Practices Act (See Part J. "Records and Files"); and
- The Department cooperates fully with other U.S. DOT recipients regarding all DBE issues.

A. Certification Eligibility Requirements (49 CFR Part 26 Subpart D)

There is no application fee for DBE certification. All applications for certification must be accompanied by a sworn affidavit attesting to the accuracy and truthfulness of the information provided.

The CUCP certification application (Attachment E), a modified version of the U.S. DOT Schedule A, must be submitted by each firm seeking DBE certification including SBA 8(a) and Small Disadvantaged Businesses (SDB).

The firm will comply with the requirements of this section, in accordance with 49 CFR 26, and 13 CFR 121 (size standards):

1. The firm has the burden of demonstrating by a preponderance of evidence that it meets the eligibility requirements pursuant to §26.61.

2. The firm must be a *"small business"* as defined by the U.S. Small Business Administration (SBA) 13 CFR Part 121 and the NAICS codes outlined specifically in 13 CFR Part 121.201 as paralleled to the DBEs assigned Caltrans work category codes. Even when these requirements are met, the average gross receipts for the firm and its affiliates for the previous three fiscal years must not exceed \$19.57 million as defined in §26.65 (b).
3. The owners of the firm must be *"socially and economically disadvantaged"*, as detailed in §26.67. To verify economic disadvantage each person, whose ownership in the firm contributes to DBE status, must submit a signed statement of Personal Net Worth (PNW) with sufficient supporting documentation.

The PNW reveals the net value of an individual's total assets, excluding the value of the primary residence and capital interest in the DBE firm seeking certification, remaining after total liabilities and adjustments are deducted. A net worth over \$750,000 rebuts an individual's presumption of economic disadvantage.

4. The firm must be at least 51% owned by *"socially and economically disadvantaged individuals"*, as described in §26.69, and not owned by other businesses, except as detailed in §26.73 (e)(1) and (2) and §26.73 (h). Some stipulations of ownership are:
 - a. Disadvantaged owners must own at least 51% of the business or publicly held stock; and,
 - b. Ownership must be obtained with real and substantial contributions of expertise, capital or other tangible personal assets, as described in §26.69.
5. The firm must be at least 51% controlled by the disadvantaged owners and must operate independently from other firms. Control by disadvantaged individuals may be demonstrated through managerial and operational control as identified in §26.71.
 - a. To have managerial control the disadvantaged owner must demonstrate: authority to control, sufficient expertise in the firm's field of operation, responsibility for critical areas of the firm's operations and the sole authority to make independent and unilateral business decisions which guide the destiny of the business.

- b. To have operational control the disadvantaged owner must demonstrate that they make independent basic decisions concerning daily operations.

Some factors that will be considered in determining control are:

- the relative experience, qualifications, and number of years each owner, manager and principal employee has dedicated to the firm's field of business;
- the daily duties and responsibilities of each owner, manager, and principal employee;
- the amount of time each owner, manager and principal employee dedicates to business operations;
- identification of the Responsible Managing Officers or employees for contractors licenses, majority owners for professional licenses necessary to perform the services of the firm;
- shared space, employees, equipment, or financing between firms;
- the timing of any changes in ownership and control to meet DBE requirements; and
- the salary received by owners.

6. Other rules of certification as defined in §26.73:

- The firm must not exhibit patterns of conduct that indicate attempts to evade or subvert the intent or requirements of the DBE program.
- The firm will be evaluated based on current, not past circumstances.
- The firm must cooperate fully with the Department; failure to do so will result in the denial of certification or intent to remove.
- As a condition of eligibility, a DBE firm must notify the Department's Division of Civil Rights, Office of Certification, regarding modifications in major business operations and any changes in ownership or control, within 30 days of the occurrence, as indicated in §26.83 (i)(3). Supporting

documentation and details of modifications or changes must also be provided.

B. Renewal Requirements

Firms wishing to continue certification for another three years must submit a Renewal Application, (Attachment F), accompanied by a sworn affidavit attesting to the accuracy and truthfulness of the information provided. Applicants are also required to submit the following documents: statements of PNW for each disadvantaged owner, copies of applicable Federal income tax forms, copies of current licenses and current minutes of board meetings if the firm is a corporation.

As of March 4, 1999:

1. All renewal applications have been reviewed based on the standards of the new DBE regulations, 49 CFR Part 26;
2. Certified firms not meeting the new eligibility criteria are given due process to be in compliance with the new regulations; and
3. Statements of PNW are required of all DBE firms applying for renewal.

C. On-site Reviews /§26.83 (c)/

The Department conducts on-site reviews of firms applying for certification prior to an eligibility determination.

1. A thorough file review is performed.
2. The applicant is contacted and an on-site is scheduled.
3. A letter is sent to the applicant, by certified mail with return receipt, to confirm the names of the individuals who are being interviewed and to verify the date, time and location of the on-site.
4. The disadvantaged owner(s), having majority interest in the firm are interviewed at the firm's primary business location and at job sites. If the applicant is unable to attend the scheduled interview, the on-site will be rescheduled and a second notification will be sent, by certified mail with return receipt requested. When the applicant fails to participate in the second scheduled interview they will be considered "non-cooperative" and the Department will send a letter to close the file.

A standard set of questions, (Attachment H), will be asked of all firms and every concern will be addressed. It is office procedure to tape all

interviews. Audio tapes and hard copies of the report become part of the permanent certification file.

D. Eligibility Determinations

Based on the criteria in 49 CFR Part 26, one of the following three determinations will be made:

The Firm is Certified/Renewed as a DBE

The firm meets the eligibility criteria. Information regarding the firm is entered in the CUCP Directory, and the firm is mailed a computer generated CUCP DBE certificate (Attachment G) identifying the firm name, address, phone number, contact person, NAICS Codes and work category codes. The NAICS codes accurately reflect the primary source of the firm's income, §26.71 (n). The work category codes defines the work the disadvantaged owner has the ability and expertise to perform. The certificate is stamped with the signature of the Chief, Office of Certification.

DBE certification/renewal is granted for a period of three years.

As a condition of eligibility, a firm is required to notify Caltrans Office of Certification in writing, by certified mail with return receipt, within 30 days of any changes in the firm, such as size, ownership, control and location, telephone/fax numbers, licenses and work category, etc. [§26.83 (i)].

The Firm is Denied Certification as a DBE (§26.85)

When the firm fails to meet eligibility criteria they are notified in writing, by certified mail with return receipt requested. The correspondence explains the reasons for the determination and provides evidence to support the decision. The letter also informs the business of their right to due process in the form of an appeal (see Part G, Denial Procedure).

The "Intent to Remove" DBE Status (§26.87)

When it is determined that a firm no longer meets eligibility criteria, the firm is notified in writing, by certified mail with return receipt requested, of the Department's intention to remove the firm's DBE certification. The correspondence explains the reasons for the determination and provides evidence to support the decision. The letter also informs the business of their right to due process in the form of an appeal. The firm remains certified and listed in the DBE Directory until due process is complete.

The Firm Graduates from the DBE Program

A firm "graduates" from the DBE Program when:

- a. it advances beyond the size (number of employees) or annual income standards for a small business concern as defined by the Small Business Administration 13 CFR, Part 121.201; **OR**
- b. it exceeds the three year annual income gross receipts average of \$19.57 million or their industry standard as described in §26.65 (b); **OR**
- c. the PNW of any disadvantaged owner of the firm exceeds \$750,000.

If the firm exceeds the size standards, the firm is mailed a letter informing them that they have achieved the ultimate goal, the ability to succeed outside of the DBE Program. They are informed that they will no longer be listed in the CUCP DBE Directory and must no longer identify itself as a DBE.

E. Certification of Out-of-State Firms /§§26.81(f), 26.83 (e)/

Out-of-state firms seeking the Department's DBE certification are required to:

- File a CUCP DBE Certification Application;
- Submit documents verifying certification with the U.S. DOT Federal-aid recipient of their home state; and
- Must be certified as a DBE in its home state. The firm must provide proof of its certification with an agency which uses 49 CFR Part 26.
- The Department will contact the certifying agency to request a copy of the on-site review.

The Department may confirm the existence of an office operated by the firm within California, the type of work the firm provides and the date the firm was established. A list of three contracts that the firm has completed or is performing will be obtained and the Department may perform an on-site review at the California business location.

F. Intent to Remove DBE Certification Status (§26.87)

Any firm which receives written notice of intent to remove DBE certification status by the Department is allowed due process to appeal the

determination. The firm is informed of its right to appeal a determination in the intent to remove notification letter.

1. The Department is responsible for the burden of proof in all decisions of "intent to remove" a firm's DBE certification status and must support its decision with evidence recorded in the intent to remove letter.
2. The Department sends written notification to the firm, by certified mail, explaining the reason the Department proposes to remove the firm's DBE status. The correspondence informs the firm of its right to appeal to the Department within 30 days of the date of the notification letter. The firm may request an informal appeal hearing or present information and arguments in writing, without going to a hearing. The firm must contact the Department's representative within 30 days:

Reconsideration Official
California Department of Transportation
Office of Civil Rights – MS 79
1823 14th Street
Sacramento, CA 95814

3. If the firm chooses not to appeal, the firm will be found ineligible to participate in the DBE Program effective 30 days after the date of the notification letter.
4. Following an appeal, the firm will be notified in writing of the Department's administratively final decision. The Department's Reconsideration Official may uphold or overturn the Intent to Remove determination based on the information presented by the firm.
5. If the final decision is to remove the firm's certification status, the firm's name is removed from the CUCP DBE Directory effective the date of the notification letter.
6. The firm is also informed of its right to file an appeal with the U.S. DOT within 90 days of the Department's final determination (§ 26.89).

Secretary
U.S. Department of Transportation
Office of Civil Rights
400 Seventh Street, SW, Room 2401
Washington, DC 20590

G. Denial Procedure (§26.85)

1. When the Department denies a firm which is not currently certified as a DBE, a written explanation of the reasons for the denial, specifically referencing the evidence in the file that supports the denial.
2. The Department sends written notification to the firm by certified mail explaining the reasons for the denial.
3. The firm is informed of its right to appeal the decision within 90 days by contacting the:

Secretary
U.S. Department of Transportation
Office of Civil Rights
400 Seventh Street, SW, Room 2401
Washington, DC 20590

4. The Department's decision to remove a firm's certification goes into effect immediately after a final decision is provided. The Department's determination will remain in effect unless U.S. DOT makes a determination reversing the Department's action. The Department's decision to deny goes into effect immediately. The firm may reapply in 12 months.

H. Ineligibility Complaints (§26.87)

1. Types of Ineligibility Complaints

a. *Complaints by participating agencies*

Pursuant to California Government Code Section 2055 (a), all complaints filed by participating agencies must be processed within 30 days from the date the complaint was "properly filed." Therefore, all participating agency complaints are given a priority status.

- b. When the Department disputes the certification of a firm currently certified by a participating agency, the Office of Certification will notify the agency in writing informing them of the issues.

c. *Small Business Administration 8(a) firms*

In the event the Department does not concur with the status of an 8(a) firm, the Office of Certification will present all pertinent information to the Small Business Administration.

d. *Rebuttable Presumption of social/economic disadvantaged status*

A firm admitted to the DBE program based on presumptive social and economic disadvantage status may become the subject of a complaint based on individual situations. Admission to the program based on group membership is, according to the Federal Regulations, a "rebuttable presumption." Complaints regarding the presumed disadvantaged status of an individual member of a group will be dealt with on a case-by-case basis using the criteria set forth in 49 CFR Part 26.

2. Ineligibility Complaint Procedures

a. *Proper filing*

A written communiqué identifying both parties (identified DBE and complainant), including the complainant's name, address and a summary of the issues (lack of ownership and/or control, inextricable ties, etc.) constitutes proper filing of a challenge. This summary must contain relevant information supporting the complainant's contention that the identified DBE firm does not meet the eligibility standards set forth under 49 CFR Part 26.

b. *Database entry and tracking*

Complaints will be date stamped and directed to the Support Unit for database entry and assignment.

c. *DBE status of an identified firm*

After receiving a complaint, and prior to determining the validity of the complaint, the status of the identified firm will be determined. If the firm is no longer certified, has never been certified, or is currently in removal proceedings, the complaint need not be reviewed further. The complainant will be notified in writing of the current status of the firm. If the firm is in the

process of undergoing an onsite review the complaint will be taken into consideration during the review.

d. *Sufficient information for processing*

Once it is determined that a DBE complaint has been properly filed and recorded, the identified firm's file will be pulled for processing. The complainant will be sent a letter:

- (1) verifying the receipt of their complaint;
- (2) notifying them of the Department's intent to proceed with an evaluation; and
- (3) informing them of their right to withdraw the complaint within 15 days of the date of the Department's correspondence. If a letter of withdrawal is not received from the complainant within 15 days, the complaint will be forwarded to an Associate Analyst for evaluation and processing.

e. *Insufficient information to warrant further investigation*

If there is insufficient information to process the complaint, a request for additional information, "Insufficient Information Letter", will be sent to the complainant. The Department must receive the requested information from the complainant no more than 15 days from the date the letter was mailed.

f. *Withdrawal of the complaint or failure to respond to the Insufficient Information letter*

If the complainant elects to withdraw the complaint or fails to respond to the "Insufficient Information Letter," all related complaint correspondence will be placed in an envelope that is marked "Confidential" and will be retained in the certification file. The issues mentioned in the complaint will be noted in the file chronology and will be closely evaluated when the firm applies for renewal.

g. *Evaluation of a Complaint*

A formal complaint challenging certified DBE status is a sensitive issue. The Department will take all the steps necessary to ensure a sound decision. Decisions to proceed with a complaint require that an on-site review be performed

as part of the investigation. The identified party will be notified in writing and an on-site will be scheduled.

h. *Determination*

- (1) If the Department determines a complaint is unsubstantiated, the case will be closed and no further action will be taken. The identified DBE firm will remain certified and the complainant will be informed of the Department's findings.
- (2) If the Department determines that the identified firm does not meet DBE eligibility requirements, an intent to remove letter will be prepared and sent by certified mail according to Part F, "Intent to Remove DBE Certification Status."

i. *Right to due process*

When a firm is notified of an "intent to remove," as the result of a complaint, the firm may appeal that decision following the steps outlined in Part F above.

I. Appeal Process (§26.89)

The Reconsideration Official performs the activities and functions of that office separate from any functions of the Office of Certification pursuant to §26.87(e).

- If the applicant does not submit a written request to appeal the Department's decision within 30 days of the notification letter, the decision will be considered final.
- If a certified DBE firm is due for renewal during the appeal process, the firm will remain certified until the appeal process is completed.
- The applicant may reapply for certification 12 months after the date of the removal letter.

1. Appeals to the Department

All applicants wishing to appeal the Department's decision to remove or deny certification status must notify the Reconsideration Official of their intent to appeal that decision. There are two Departmental appeal options. An applicant may choose only one of these options:

- a. Written appeals should provide documented facts and evidence that support the applicant's belief that they meet all DBE eligibility criteria. Written appeals received within the required time frame will receive an administrative analysis and determination within 60 days. If the Department is unable to respond in that time frame, the firm will be notified in writing explaining the need for additional processing time. The applicant will be notified by certified mail of the Department's final determination and appeal rights to U.S. DOT.
- b. An informal hearing, a meeting between the owner(s) of the firm and a Reconsideration Official can be conducted when requested within the required time frame. The hearing will be conducted within two weeks of the request. The proceeding will be taped and transcribed and retained as a permanent part of the file. The applicant will be notified by certified mail of the Department's determination and U. S. DOT appeal rights.

2. Appeals to the U.S. DOT (§26.89)

- a. Firms denied certification have the right to file a written appeal with the U.S. DOT within 90 days of the Department's final decision. U.S. DOT will request a copy of the Department's records to conduct its review. The Department will provide U.S. DOT with a copy of the firm's record and transcript within 20 days of U.S. DOT's request [§26.89 (d)]. U.S. DOT will render a final determination based on its review of the records provided and will forward a copy of its findings to the Department's Office of Appeals and to the applicant.
- b. The Department will uphold the decision of the U.S. DOT to deny, remove or certify the firm. The Department's Reconsideration Official will send correspondence, by certified mail, to the applicant advising them that the U.S. DOT determination is administratively final; a copy of the U. S. DOT final determination will be enclosed.
 - If U. S. DOT decides to deny or remove, the firm will be informed of that determination and of its right to reapply for DBE certification in 12 months.
 - If U.S. DOT decides to certify, the firm will be informed by letter and a certificate will be issued.

3. Records and Correspondence

All records and correspondence regarding the appeal become part of the permanent record in the Department's DBE file for the firm.

J. Records and Files (§26.83 (g) and §26.109)

In accordance with §26.83 (g) and §26.109; California Government Code Section 6250 et seq.; California Civil Code Section 1798 et seq., and the Information Practices Act, certification documents are safeguarded and held according to the following criteria:

1. DBE files are maintained in a locked and enclosed area that is accessible only to authorized personnel.
2. All documents submitted by the applicant as part of the initial certification process become a permanent part of the file and are not be purged from the file.
3. Duplicate documents and tax forms over three years old are purged from the file during the renewal process. However, if the firm has changed structure, at least one year of taxes are retained for each structural change of the business.
4. Active files are held in the Department's office for an indefinite period of time. Active is defined in this situation to mean any file that has had file activity within the past two years.
5. Inactive files are retained for a total of five years. DBE files having no file activity for at least two years go to the California State Archives where they are held for three years and are accessible to the Department pursuant to archive policies and procedures.

V. Division of Engineering Services – Office Engineer, Contract Advertisement and Award

The Division of Engineering Services - Office Engineer (DES-OE) is responsible for all activities related to advertising, bid opening, award and approval for all of the Department's public works projects over a dollar threshold established by the California Department of Finance, currently \$131,000. These projects fall into two categories: projects with \$1 or more of Federal funding, i.e., Federal-aid projects, and projects solely funded with State monies. All Federal-aid projects are subject to the regulations in 49 CFR Part 26.

A. DES-OE Outreach Activities and Internet Page

DES-OE publishes a brochure called the "Caltrans Quick Reference Information for Contractors." The brochure is designed to provide the business community with a quick reference on how to do business with the Department, and where to get information on the Department's contracting opportunities. The brochure is updated yearly or on an "as needed" basis.

In addition DES-OE participates in Department-sponsored workshops and outreach meetings to help guide the business community through the State contracting process. Topics covered include: contracting information available on Department Internet sites; how businesses can identify contracting opportunities with the Department; and how businesses can become certified as DBEs, which also includes meeting the requisite federal small business size standards.

The DES-OE Internet page provides a variety of information related to DES-OE contracting opportunities. Potential bidders can view projects that are advertised, and addenda (changes) to those projects. In addition, bidders can view and print project plans, download a list of bid items, specifications, and lists of firms that have purchased bid documents for advertised projects.

Following bid opening, the DES-OE Internet page includes summaries of all bids received, the subcontractors listed by each bidder, and the unit prices bid by each company.

The DES-OE Internet page is at the following address:
<http://www.dot.ca.gov/hq/esc/oe/>.

B. Advertisement of Projects

All DES-OE projects, except emergency work, are advertised in "*The California State Contracts Register*," published by the Department of General Services. The Register advertises contracting opportunities for all

State agencies, and projects must be advertised in the Register before bid documents can be released to the public. The Register is only available on the Internet and is updated daily. Internet advertisements are published for 14 calendar days, and can be viewed at <https://www.cscr.dgs.ca.gov/cscr/>.

All DES-OE projects are also advertised on the DES-OE Internet page at <http://www.dot.ca.gov/hq/esc/oe/>. Bidders click on Advertised Projects (Projects for Bid) to view the listing of newly advertised major highway construction projects, projects that have already advertised, and a tentative list of projects to be advertised. Each advertisement identifies the geographic location of the project; the type of work; the number of working days; the estimated dollar value of the project; and the bid opening date and location. In addition to the advertisement, bidders can view a list of bid items and the Special Provisions for each advertised project.

DES-OE also provides the weekly advertisement information to major construction trade papers.

DES-OE also posts a *12 Month Tentative Advertisement* list on the DES-OE Internet page at <http://www.dot.ca.gov/hq/esc/oe/>. Bidders click on Advertised Projects (Projects for Bid) to view the list of projects greater than \$1 million that are tentatively scheduled for advertising in the next twelve months. The list includes the contract number, project location, type of work, and the estimated dollar value of the project. The list is updated each quarter.

C. Project Specifications

Bid documents for all Federal-aid projects advise bidders that, as required by federal law, the State has established a statewide overall DBE goal, and that the Department is required to report its DBE participation to FHWA each year. The bid documents further state that the Department tracks DBE participation on all Federal-aid projects to ascertain whether the Department is meeting the statewide overall DBE goal.

The bid documents also include Federal Form PR-1273, "Required Contract Provisions for Federal-Aid Construction Contracts," and specifications related to how the DBE Program will be administered during construction.

A copy of the Department's project specifications is included as Attachment C.

D. Bid Opening

All bids are opened publicly and read at the time specified in the contract documents. DES-OE may make an immediate determination that a bid is

non-responsive, e.g., the bidder failed to post a bidder's security, posted an invalid security, failed to complete all bid items or failed to sign the bid proposal. Responsive bids are verified mathematically.

PCC Section 4100-4114, the Subletting and Subcontracting Fair Practices Act, requires that bidders must list, in their sealed proposals, the names of subcontractors who are performing work in excess of 0.5 percent of the total bid, or \$10,000, whichever is greater. The Act also requires that the bidders identify the portion of work being performed by the subcontractor. There is no provision under the law for the addition of a subcontractor over the listing law threshold after bid opening.

No later than one working day following bid verification, the names of the three lowest bidders, their total bid, and the subcontractors identified by the low bidder in its bid proposal are:

1. Posted on a telephone "Bids Results Hotline" at (916) 654-5500, and,
2. Furnished to the construction trade papers.

Complete bid summaries, listing all bidders, their subcontractors and their itemized bids, are posted on the DES-OE Internet site within five days after bid opening.

E. Submittal of Caltrans Bidder DBE Information Form

Section 3 of the Special Provisions for all Federal-aid projects requires that the successful bidder execute and return a Caltrans Bidder DBE Information form.

Section 3 states that the DBE information will include the names, addresses and telephone numbers of DBE firms that will participate with a complete description of work or supplies to be provided by each, and the dollar value of each DBE transaction. Certified DBE prime contractors will identify the work they are performing with their own forces and the dollar value of that work, as well as any other work to be performed by DBE subcontractors, suppliers and trucking companies. The successful bidder is requested to provide written confirmation from the DBE that it is participating in the contract, as well as copies of joint venture agreements if a DBE is participating as a joint venture partner.

For non-emergency projects, this information must be submitted to the Department within 10 working days after the successful bidder has received the contract for execution. For emergency projects, the information must be

submitted within 5 working days after the successful bidder has received the contract for execution.

F. Civil Rights Program Review, Caltrans Bidder DBE Information Form

DES-OE sends the completed "Caltrans DBE Information" forms to the Office of Civil Rights Contract Evaluation Unit (CEU) for review. The CEU confirms that the listed firms are DBEs, verify the dollar amounts of each transaction, and confirms the percentages of work to be performed by DBEs.

The CEU returns the completed "Caltrans Bidder Information" forms to DES-OE within five working days.

G. Data Collection and Record Keeping

DES-OE enters the information from the Caltrans Bidder DBE Information Forms into a database and forwards this information to the Office of Civil Rights for inclusion in the Federal Uniform Report of DBE Awards or Commitments and Payments.

VI. Division of Construction, Contract Administration

A. Contract Award Information

The Division of Engineering Services—Office Engineer sends an award package to the district approximately one week after the award of a project. The award package includes:

- a. Notice of Award
- b. Detailed Estimate of Costs
- c. Bid Summary
- d. The Contractor's "List of Subcontractors"

Approximately three weeks after contract approval the district office receives the prime contractor's "Caltrans Bidder- DBE - Information". This information documents what amount of DBE participation the contractor has committed to using.

B. Pre-Construction Conference

1. During the pre-construction conference the resident engineer and the prime contractor discuss the work each DBE will perform, if any. The resident engineer gives the prime contractor a copy of the "DBE Information" to ensure that everyone understands what work the DBEs are to perform. This discussion is documented and entered into the resident engineer's pre-construction notes.
2. During the conference, the prime contractor is directed to "Performance of Subcontractors," in the special provisions, which specifies the conditions under which a prime contractor may request a subcontractor substitution and any consequences for disapproval of a substitution request.

C. Monitoring Activities During Contract Performance

1. The Department requires that prime contractors submit Form CEM-1201, "Subcontracting Request" before work can be started on a subcontract. When resident engineers receive the completed form, they check it for conformity with the original "DBE Information" and "List of Subcontractors." Inconsistencies will be addressed prior to the resident engineer's approval of the "Subcontracting Request."
2. The resident engineer compares the suppliers, vendors, or manufacturers listed on the original DBE Information form to

those listed on Form CEM-3101, "Notice of Materials to be Used." If the firms listed, are inconsistent the prime contractor is required to make corrections and report in writing any changes to its DBE participation.

3. When the prime contractor has listed DBE trucking companies in its DBE Information, the resident engineer will inform the prime contractor of the requirement to submit monthly documentation showing the amount paid to the trucking companies used. The trucking documentation includes the truck number, the owner's name, the California Highway Patrol CA number, if applicable, and the DBE certification number of the owner of each truck used during that month in accordance with "Subcontractor and DBE Records" of the special provisions.

D. Monitoring for DBE Commercially Useful Function (CUF)

1. The resident engineer ensures that the inspectors know the items of work each DBE is responsible for. Inspectors will notify the resident engineer of apparent changes in DBE participation.
2. When a firm other than the listed DBE is found performing the work, the resident engineer contacts the prime contractor immediately.
3. A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.
4. Contractors are directed to the DBE special provisions for an explanation of the CUF requirements.

E. Substitutions

1. The Subletting and Subcontracting Fair Practices Act (FPA), Sections 4100 - 4114 of the California Public Contract Code, outlines all of the conditions, including those prior to contract award, under which a prime contractor may request the substitution of subcontractors. A contractor who violates any of the provisions of the FPA violates the contract, and the awarding authority may at its discretion: (1) cancel the contract or (2) assess a penalty of not more than 10% of the amount of the subcontract involved.
2. When the prime contractor requests that a listed subcontractor be removed from the project the prime contractor notifies the resident engineer of the substitution according to Section 5-

1.086, "Performance of Subcontractors," of the special provisions and submits a new Form CEM-1201, "Subcontracting Request."

3. If the resident engineer denies approval of a substitution, the prime contractor is entitled to a public hearing and a five-day notice. The Department schedules a hearing, if requested.

F. Reporting and Recording Participation

1. The prime contractor is required to maintain records showing the name, business address, and phone number of each first-tier subcontractor as well as any DBE subcontractor, DBE vendor of materials and DBE trucking company regardless of tier.
2. When a contract is completed, the prime contractor provides a summary of the above records on Form CEM-2402 (F) "Final Report - Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" which must be submitted to the resident engineer within 90 days of the date of contract acceptance.
 - a. The resident engineer compares the Form CEM-2402 (F) to the contractor's original "DBE Information" and Form CEM-1201, "Subcontracting Request," if applicable.
 - b. The DBEs shown on the Form CEM-2402 (F) should be the same as those originally listed unless a change has been authorized, if applicable.
 - c. If the prime contractor fails to submit the Form CEM 2402(F), the resident engineer will retain \$10,000 from the prime contractor's payment to cover any outstanding Form CEM-2402 (F), in conformance with the contract.
 - d. The resident engineer files a copy of Form CEM-2402 (F) in the project records, and submits the original to the Division of Construction. The Division of Construction forwards all original CEM-2402 (F) Forms to the Office of Civil Rights, Contract Evaluation Unit for federal reporting.

G. Notification of DBE Decertification During Course of a Contract

The Office of Civil Rights, Certification Unit, notifies the Division of Construction DBE liaison officer of the decertification of a DBE contractor or subcontractor. The Certification Unit provides the DBE certification number, date of decertification and appropriate information. The construction DBE liaison officer notifies the district labor compliance officer of the change in the firm's status. The district labor compliance officer forwards the information to the resident engineer. The resident engineer requires the contractor to act in accordance with existing contractual commitments regardless of the decertification. The firm's participation is not counted toward the statewide overall DBE goal from the date of the decertification notice.

VII. The Division of Procurement and Contracts (DPAC), Service Contracts, Architectural and Engineering Consultant Contracts and Minor B Contracts

DPAC is responsible for processing and awarding several types of Federal aid contracts, including, but not limited to, the following:

- Service contracts
 - Commercial services
 - Personnel services
 - Consulting services
- Architectural and Engineering (A&E) Consultant contracts
- Public Works Contracts (Minor-B Highway Construction projects between \$1,000 and \$131,000, per State Contracting Manual, Section 1.05(2))
- Emergency Force Account contracts (time and materials for the immediate restoration of services)
- Contracts for the procurement of commodities and goods

The Chief of DPAC's responsibilities include:

- Ensures inclusion of Federally-funded DBE contract requirements in solicitation and contract documents. Any contract with a minimum of one-cent of federal money is considered a federal contract.
- Oversees processing, advertising, awarding and executing service contracts, Minor B and Emergency Force Account, construction, and commodity and goods procurement contracts.
- Ensures that new and revised policy and procedures are implemented.
- Participates in the Caltrans Small Business Council meetings.
- Participates in the following Department of General Services meetings:
 - Small Business Certification and Resources Small Business Advocate Program
 - Business Expansion Council
 - State Contracting Advisory Network
- Develops and submits Federal reports to the Office of Civil Rights (OCR):
 - Uniform Report of DBE Awards or Commitments and Payments
 - Title VI Annual Element
 - DBE Annual Element

A. DBE Contract Administration Responsibilities

1. Administrative Activities and Updates:

DPAC is responsible for the development of policies and procedures that ensure contracts comply with State and Federal laws. DPAC also provides on-going training to DPAC staff and is responsible for the *Caltrans Service Contracts Manual*, the *Contract Manager's Handbook*, the *How to Do Business with Caltrans* pamphlet and website, and DBE Consultant forms and instructions to comply with 49 CFR Part 26 regulations.

2. Provisions in A&E and Service Contracts:

DBE Records

The Department's Federal contract provisions are implemented in accordance with 49 CFR Part 26. Such provisions are as follows:

- a. The contractor shall maintain records of all subcontracts entered into with certified DBE subconsultants and records of materials purchased from certified DBE suppliers. The records shall include:
 - Name and business address of each DBE subconsultant or vendor
 - Total dollar amount actually paid each DBE subconsultant or vendor, regardless of tier
 - Date of payment and the total dollar amount paid to all firms
 - DBE prime consultant shall also show the date of work performed by their own work forces along with the corresponding dollar value of the work
- b. Upon completion of the contract, the prime consultant/contractor provides a summary of records, as stated above, in a final report, certified correct by the consultant/contractor or an authorized representative, and furnished to the State's contract manager with the final invoice. Should the prime consultant/contractor fail to provide the final report showing a summary of the DBE payments with the final invoice, twenty-five percent (25%) of the dollar value of the final invoice is withheld from payment until the final report and invoice is submitted.

- c. Minor B contractors report a summary of the DBE utilization on the Construction Program Form CEM-2402 (F), *Final Report – Utilization of Disadvantaged Business Enterprises (DBE)* to the Resident Engineer (RE). The RE files the CEM-2402 (F) in the project records and submits the original to the OCR for Federal reporting purposes.

B. Contract Award and Advertisement

All contracts of \$5,000 or more are advertised in the *California State Contracts Register* (CSCR) unless otherwise exempted. The Contract Manager provides the scope of work and bid solicitation requirements for the solicitation. DPAC posts the Invitation for Bid (IFB), Request for Proposal (RFP), and Request for Qualification (RFQ) on its website. Builder exchanges, clearinghouses, and others may download the Department's contract information for use in their publications.

The following information is available to all contractors and subcontractors, including DBE prime consultant/contractors and DBE subcontractors from DPAC's website at <http://caltrans-opac.ca.gov/index.htm>:

- Contracts Currently Out for Bid
- Bid Opening Results
- Notice of Intent to Award

A phone "bid-line" at (916) 227-6075 is also maintained to provide access to those consultant/contractors without Internet access.

C. Bids and Bid Openings

Bids are opened at a public bid opening conducted by DPAC staff. Public bid openings are conducted each week. All bids are date-and time-stamped upon receipt. Only sealed bids are accepted and all bids must be received by the date and time stated in the bid solicitation. Late and/or altered bids are not accepted. Bid opening procedures comply with all applicable State and Federal statutes, regulations, and policies.

D. Submittal of DBE Information

In conformance with Federal regulations 49 CFR Part 26, DBE firms must be certified by the OCR or by a certifying agency participating in

CUCP by the solicitation due date. At the time of award, the contract will be accompanied by the DBE Participation (ADM 0227F) form along with instructions for the contractor to complete the form. The purpose of the form is to collect data required pursuant to 49 CFR Part 26. The successful bidder completes and returns the DBE Participation form even if no DBE participation is reported. DPAC will encourage contractors to utilize DBE subcontractors and suppliers.

E. Contract Award

When all applicable solicitation requirements have been met, DPAC awards the contract.

A&E contracts require the selection be based on demonstrated competence through an interviewing process, and required professional qualifications for the satisfactory performance of the services required [Government Code (GC) Section 4525]. RFQs are published in the CSCR and publications of professional societies as required by GC Section 4525.

F. Reporting Requirements

DPAC submits a Federal DBE Report (semi-annual and annually) to the OCR for inclusion in the FHWA Report. DPAC reports DBE statistical data utilizing the Uniform Report of DBE Awards or Commitments and Payments.

VIII. Subrecipient Monitoring Processes and Procedures

A. Division of Mass Transportation DBE Implementation

The Division of Mass Transportation (DMT) is responsible for the administration of state and Federal grant programs that provide funding for operating assistance and capital projects. Currently, there are two Federal Transit Administration (FTA) grant programs administered by DMT: Elderly and Persons with Disabilities Program, Section 5310, and Nonurbanized Area Formula Program, Section 5311.

Effective July 1, 2006, DMT will administer two new FTA grant programs as a result of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users: Job Access and Reverse Commute, Section 5316, and New Freedom, Section 5317. Upon implementation, subrecipients of these funds will comply with the same DBE Program procedures as Section 5310 and 5311 subrecipients.

Consistent with Federal guidance, a small percentage of funds are retained for DMT's administrative costs, with the majority of the funds being passed through to subrecipients for their transit projects.

1. DMT Contracts Race-Neutral Measures

DMT lets FTA-assisted contracts for consultant services. The solicitation and contract documents are prepared with assistance from the Department's Division of Procurement and Contracts (DPAC). DMT provides DPAC with the names and address of potential bidders from the Department's directory of DBE certified firms and other small businesses.

2. Subrecipient Contracts

For subrecipients, DMT has established procedures to take necessary and reasonable steps to ensure that all small businesses that meet the requisite federal size standards, including DBEs, have the maximum opportunity to compete for and perform contracts. Subrecipients of Section 5310 and 5311 funds are subject to the regulations in 49 CFR Part 26. The race neutral DBE program is discussed at DMT-sponsored training sessions for its federal grant programs.

In the Section 5310 program, funds are available for capital projects only. In the Section 5311 program, funds are available for capital, planning, and operating assistance projects. Capital projects include both vehicle and non-vehicle projects. Typical non-vehicle projects include transit studies, mobile radios, computer hardware and software, bus shelters, and intermodal facilities.

For transit vehicles, the manufacturer works directly with FTA to satisfy the race-neutral DBE Program requirements. DMT is responsible for acquiring a certification of DBE compliance from each manufacturer receiving FTA funds through one of its FTA programs during the solicitation process. For other project categories (non-vehicle capital, operating assistance, planning), subrecipients satisfy race-neutral DBE Program requirements by following the procedures below.

The Department has established a "one plan" philosophy. To this end, subrecipients must adhere to the Department's DBE Program Plan. On DMT approved projects with contracting opportunities, subrecipients must submit a Disadvantaged Business Enterprise Race-Neutral Implementation Agreement with their signed project contract (Standard Agreement). The model language and instructions are available on the DMT website at

<http://www.dot.ca.gov/hq/MassTrans/index.html>.

Secondly, subrecipients letting FTA-assisted contracts must use the DBE procurement language provided by DMT (also found at the website above). Prior to advertising request for proposals, invitations to bid, or other solicitation methods, subrecipients must submit procurement documents to DMT for review and approval.

Once the solicitation process is complete and a successful bidder is identified, the subrecipient notifies DMT of the successful bidder and whether the bidder is a DBE firm.

Subrecipients must create and maintain a bidders list of DBE and non-DBE firms that bid or quote on its FTA-assisted contracts and subcontracts. The bidders list must include the following: firm name, firm address, DBE/non-DBE status, the firm's number of years in business and the firm's annual gross receipts.

Subrecipient's approved purchases are made with local money, and then billing documents are submitted to DMT for reimbursement with FTA funds. Subrecipients must submit a Disadvantaged Business Enterprises Participation Report with each request for reimbursement, regardless of whether a DBE firm is used or not.

3. DMT's Reporting Requirements

Semi-annually, DMT submits data regarding awards or commitments and payments on all FTA-assisted contracts (both DMT's and subrecipient's) to the OCR for reporting to FTA. DMT also submits its Annual DBE Element update to OCR for reporting to FTA.

B. Division of Local Assistance

Local Agency Requirements

The following are requirements of local agency recipients who let U. S. Department of Transportation (DOT)-assisted contracts:

1. Submittal of a "Race-neutral Implementation Agreement" as outlined in the *Local Assistance Procedures Manual (LAPM)*. This Agreement formally acknowledges the local agencies agreement to implement the *State of California, Department of Transportation DBE Program Plan* and their commitment to comply with all the prescribed responsibilities explained in the Regulations and as outlined in the *Local Assistance Procedures Manual*. (See LAPM Chapter 9 – Section 9.6 and Exhibit 9-A.)
2. Submittal of a "DBE Annual Submittal Form", as outlined in the *Local Assistance Procedures Manual*. (See LAPM Chapter 9 – Section 9.6 and Exhibit 9-B.)
3. Contract Provisions
 - a. The "Sample Boilerplate" contract documents on the Local Assistance Website include the revised construction contract provisions containing the race-neutral DBE contract language. Although these provisions apply to contracts using the Caltrans *Standard Specifications*, they may be modified for contracts using the "Greenbook" or some other standard specifications. However, all contract provisions will use the race-neutral contract language.
 - b. The sample "Contract Provisions" included as Exhibits "10-I and 10-J" in Chapter 10 "Consultant Selection" of the LAPM have been revised and now contain the race-neutral DBE contract language for Federal-aid consultant contracts.
 - c. Contractual language specifying prompt payment clauses that benefit all subcontractors equally are required and included in the foregoing provisions.
4. Create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list includes the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

5. Timely reporting of DBE commitments at contract award and utilization at completion and reporting of this information on a semi-annual basis.

Local Assistance Responsibilities

1. Monitoring Local Agencies

Local agencies are monitored primarily by the district local assistance staff. The Division Of Local Assistance (DLA) may also monitor local agencies by conducting a Process Review for DBE compliance.

Each district monitors local agency DBE efforts as follows:

- a. Each district is responsible for DBE oversight of local agencies pursuant to the Regulations outlined in the LAPM.
- b. Each district reviews at least one contract per year for each local agency with an active construction project. This includes reviewing records of DBE and non-DBE subcontractor utilization, substitutions, commercially useful function, prompt pay, and DBE reporting forms. Also, the local agency is checked for having designated a DBE Liaison Officer.
- c. The District Local Assistance Engineers (DLAEs) are responsible to ensure that the Final DBE Utilization Report (for consultant and construction contractors) is reported to DLA for inclusion in California Department of Transportation Semi-annual DBE report to FHWA.
- d. The DLA requires that the districts review at least one complete Plans, Specifications & Estimates (PS&E) package per local agency for Federal provisions (including DBE requirements) per year, or, if an agency has a DOT-assisted contract only occasionally, the PS&E package will be reviewed at that time. If deficiencies are discovered, more frequent PS&E reviews of that local agency are required. Upon review and finding of DBE deficiencies, a corrective action plan is submitted by the local agency to district staff for approval.
- e. The DLAE reviews the local agencies' "Race-neutral Implementation Agreement" and "DBE Annual Submittal Form."

- f. The DLAE provides guidance to local agencies in developing their Annual Anticipated DBE Participation Level (AADPL) and methodology for establishing the AADPL.
- g. The DLAE maintains a file with an index of all local agency DBE Race-neutral Implementation Agreements and DBE Annual Submittal Forms provided by local agencies.
- h. The DLAE maintains a list of each local agency's designated DBE Liaison Officer provided by local agencies. This list is updated annually with the local agency's submittal of their annual form.

2. Monitoring Districts

The DLA conducts DBE Process Reviews of the districts. The Process Review Teams are comprised of representation from FHWA, district staff, the Office of Civil Rights and DLA.

Districts are monitored for evidence of:

- a. Oversight compliance, e.g., review and monitoring of local agency requirements of DBE Final Utilization Reports;
- b. PS&E package and checklist for DBE requirements;
- c. DBE Race-neutral Implementation Agreements; and
- d. DBE Annual Submittal Form.

3. Training

The Division of Local Assistance plans and participates in DBE training seminars provided to district and local agency staff.

4. Reporting

The Division of Local Assistance ensures the timely preparation and submittal of DBE reports.

C. Division of Transportation Planning

1. **Planning Grant Programs** - The Division of Transportation Planning (DOTP) is responsible for the administration of Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) grant programs that provide funding for planning projects falling into a series of national Planning Emphasis Areas (PEAs). The PEAs represent topics in Statewide and metropolitan planning that are of strategic

national importance and are proposed for consideration by State and local officials as they prepare Overall Work Programs (OWPs) and State Planning and Research (SP&R) programs during the annual planning program cycle.

FHWA – Metropolitan Planning (PL) Funds are pass-through funds that go directly to the Metropolitan Planning Organizations. Metropolitan Planning Funds are for the purpose of carrying out Section 134 of Title 23, United States Code, among the States and the District of Columbia in the manner provided by the law in accordance with the formula in Section 104(f)(2) of Title 23, United States Code.

FHWA Grants – These funds are also pass-through funds based on an application basis. The Metropolitan Planning Organizations submit applications and based on certain criteria they are awarded on a competitive basis.

FTA 5303 Program is a pass-through of funds based on population.

FTA 5313B Grant Program like the FHWA Grants are passed through on a competitive application process.

Regional Blueprint Plans - The Department will distribute \$5 million in Federal funds as grants to Metropolitan Planning Organizations to produce regional “blueprint” planning documents. These plans will guide future development and land use decisions to promote economic development, while protecting the environment, promoting healthy cities, and reducing unnecessary travel demand.

<http://www.dot.ca.gov/hq/tpp/index.htm>

- 2. State Planning and Research (SPR) Part 1** is a Federal funding program designed to assist states in statewide planning activities of national or statewide significance.

General Eligibility

The following are eligibility for SPR funds for the two program components:

Part 1 Planning:

- Support planning activities of national or statewide significance.
- Engineering and economic surveys and investigations.

- Planning of future highway programs and local public transportation systems, including statewide planning.
- Development and implementation of management systems.
- Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

Sec. 420.113 Eligibility of Costs.

(a) Costs are eligible for FHWA participation provided the costs:

- (1) Are for work performed for activities eligible under the section of title 23, U.S.C., applicable to the class of funds used for the activities;
- (2) Are verifiable from the STA's or the subrecipient's records;
- (3) Are necessary and reasonable for proper and efficient accomplishment of project objectives and meet the other criteria for allowable costs in the applicable cost principles cited in 49 CFR 18.22;
- (4) Are included in the approved budget, or amendment thereto; and
- (5) Were not incurred prior to FHWA authorization.

- (b)
 - (1) Except as specified in paragraph (b)(2) of this section, indirect costs of an STA are not eligible for reimbursement with FHWA planning and research funds.
 - (2) Salaries for services rendered by STA employees who are generally classified as administrative are eligible for reimbursement for a transportation planning unit, RD&T unit, or other unit performing eligible work with FHWA planning and research funds (including development, establishment, and implementation of the management and monitoring systems required by 23 U.S.C. 303 and 23 CFR part 500) in the ratio of time spent on the participating portion of work in the unit to the total unit's working hours.

- (c) Indirect costs of MPOs and local governments are allowable if supported by a cost allocation plan and indirect cost proposal approved in accordance with the provisions of OMB Circular A-87.

An initial plan and proposal must be submitted to the Federal cognizant or oversight agency for negotiation and approval prior to recovering any indirect costs.

The cost allocation plan and indirect cost proposal is updated annually and retained by the MPO or local government, unless requested to be resubmitted by the Federal cognizant or oversight agency, for review at the time of the audit required in accordance with 49 CFR Part 90.

If the MPO or local government's indirect cost rate varies significantly from the rate approved for the previous year, or if the MPO or local government changes its accounting system and affects the previously approved indirect cost allocation plan and proposal or rate and its basis of application, the indirect cost allocation plan and proposal is resubmitted for negotiation and approval. In either case, a rate is negotiated and approved for billing purposes, until a new plan and proposal are approved.

- (d) Indirect costs of other STA subrecipients, including other State agencies, are allowable if supported by a cost allocation plan and indirect cost proposal prepared, submitted, and approved by the cognizant or oversight agency in accordance with the OMB requirements applicable to the subrecipient.

3. DBE Race-Neutral Measures

The following are requirements of MPO's and Regional Transportation Planning Agencies (RTPA) and other recipients who let United States Department of Transportation (U.S. DOT)-assisted contracts:

- a. Submittal of an annual OWP with a "Memorandum of Understanding/Master Fund Transfer Agreement" outlining legal foundations of the MPO, the planning process, the obligations and responsibilities, the organizational makeup and the funding process. The MOU also establishes the responsibilities of all parties regarding Civil Rights and the DBE Program.
- b. All program participants must have approved DBE programs following the new California Department of Transportation's DBE Program Plan. This Plan formally acknowledges the statutory and/or regulatory requirements with its race-neutral measures, and their commitment to comply with all the prescribed responsibilities explained in the Regional Planning Handbook available on DOTP's website. <http://www.dot.ca.gov/hq/tpp/index.htm>
- c. Contractual language specifying prompt payment clauses are required and included in the foregoing provisions. These prompt payment clauses benefit all subcontractors equally:

Prompt Payment

Prompt Progress Payment to Subcontractors

A prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30-days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The MPO, RTPA or local government entity shall include **either (1), (2), or (3) of the following provisions [MPO, RTPA or local government entity equivalent will need Caltrans approval]** in their DOT-assisted contracts to ensure prompt and full payment of retainage (withheld funds) to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30-days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30-days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
4. Create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list includes the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.
5. Timely reporting of DBE commitments at contract award and utilization at completion.

IX. Office of Civil Rights, Disadvantaged Business Enterprise (DBE) Program Process Reviews

The Office of Civil Rights, DBE Program manages structured evaluation process reviews of each of the following Departmental DBE functional program areas:

1. DBE Certification Unit
2. DBE Supportive Services
3. Division of Engineering Services – Office Engineer
4. Construction Division, including Resident Engineers and Labor Compliance Officers
5. Division of Local Assistance
6. Division of Transportation Planning
7. Division of Mass Transportation
8. Division of Procurement and Contracts
9. Local Agency samplings – there are approximately 600 subrecipients
10. Metropolitan Planning Organizations

To identify and monitor DBE procedures for each program area, written DBE processes are gathered, random desk audits are performed, and occasional site reviews are conducted.

Collected data is analyzed and used to monitor compliance with Federal Regulations and is also used to define and project future training needs.

At a minimum, findings are reported to FHWA in the Annual Element Update.

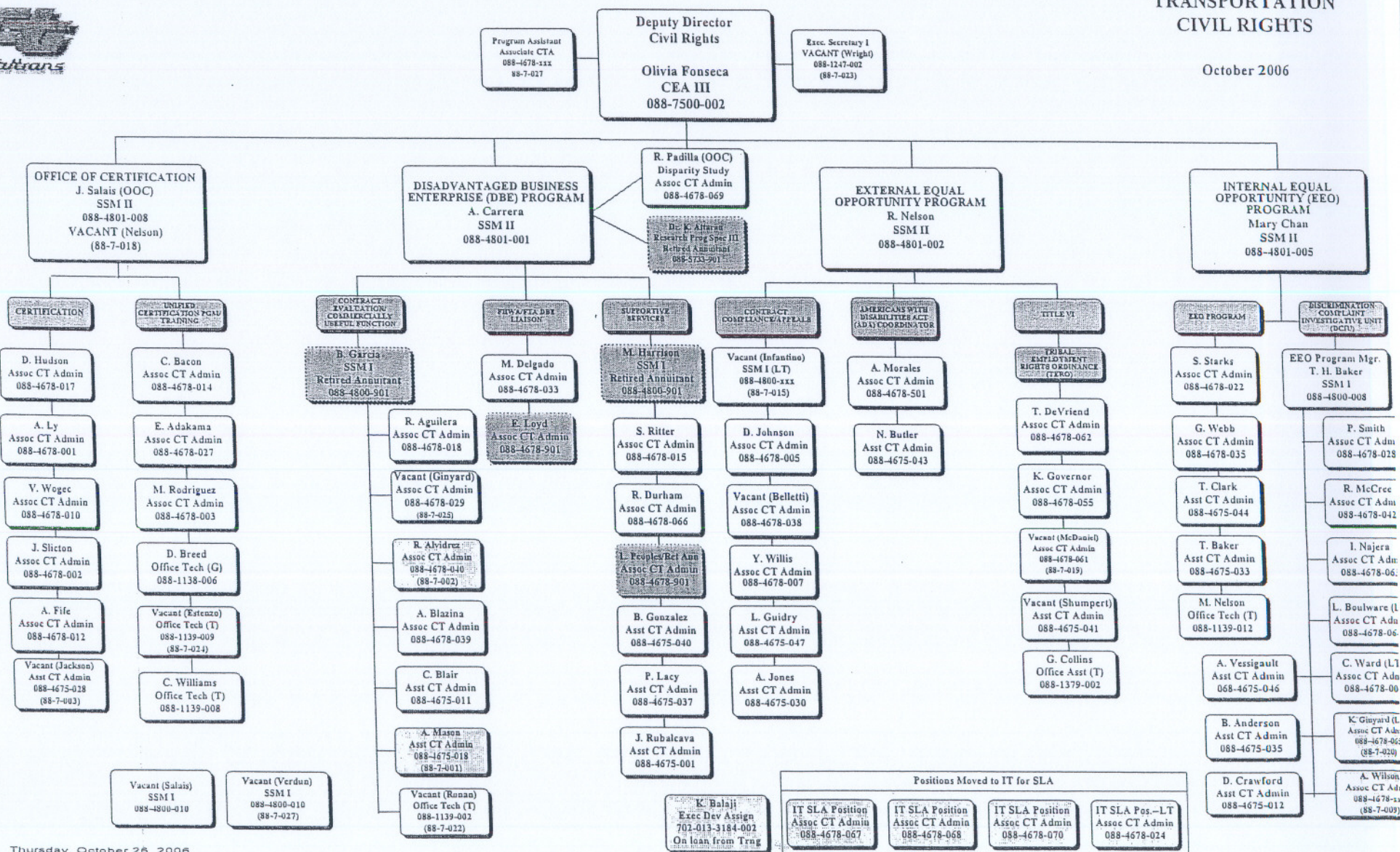
Attachment A #1

*Office of Civil Rights
Organization Chart*



DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS

October 2006



Thursday, October 26, 2006

Attachment A #2

Glossary

Glossary

California State Department of Transportation (Department), also commonly known as “Caltrans”, the State’s primary recipient of **United States Department of Transportation (U.S. DOT)-assisted Federal financing** for highway and transit related projects and contracts. The term “**U.S. DOT-assisted**” includes the term “**Federal-aid**” when the funds come from the Federal Highway Administration.

California Unified Certification Program (CUCP) is a statewide Unified Certification Program mandated by 49 CFR Part 26. The CUCP is a “One-Stop-Shopping” certification procedure that eliminates the need for DBE firms to obtain certifications from multiple agencies within the State.

Compliance means that a recipient has correctly implemented the requirements of 49 Code of Federal Regulations (CFR) Part 26.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them.

Contractor means one who participates, through a contract or subcontract (any tier), in a Federal aid or in a DOT-assisted highway, transit, or airport program.

Disadvantaged Business Enterprise (DBE) means a for-profit small business concern that meets the following general guidelines:

1. The firm must be at least 51% owned by one or more socially and economically disadvantaged individuals.
2. The firm must be an independent business, and one or more of the socially and economically disadvantaged owners must control its management and daily operations.
3. Only existing for-profit “Small Business Concerns,” as defined by the Small Business Act and Small Business Administration (SBA) may be certified. DBE applicants are first subject to the applicable small business standards of the SBA. Second, the average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed U.S. DOT’s current cap of \$19.57 million.
4. The Personal Net Worth (PNW) of each socially and economically disadvantaged owner must not exceed \$750,000, excluding the individual’s ownership interest in the applicant firm and the equity in his/her primary residence.

Socially and economically disadvantaged individual means any individual who is a citizen of the United States (or lawfully admitted permanent resident) and who is a member of the following groups: Black American, Hispanic American, Native American, Asian-Pacific American, Subcontinent Asian American, or Women,

or

Any individual found to be socially and economically disadvantaged on a case-by-case- basis by a certifying agency pursuant to the standards of the U.S. DOT 49 CFR Part 26.

Federal aid or U.S. DOT-assisted contract or project means any contract or project between a recipient and a contractor (at any tier) funded in whole or in part with United States Department of Transportation (U.S. DOT) financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Personal Net Worth means the net value of the assets of an individual remaining after total liabilities are deducted; refer to 49 CFR Part 26.67 (a) (2) for DBE specific information.

Primary recipient means a recipient, which receives US DOT financial assistance and passes some, or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most of their working hours and where top management's records are kept.

Program means any undertaking of a recipient's part to use U.S. DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure of program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure of program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

Recipient is any entity, public or private, to which U.S. DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FHWA, or who has applied for such assistance.

Subrecipient is an agency receiving U.S. DOT financial assistance directly from the State.

United States Department of Transportation (U.S. DOT) mean the U.S. Department of Transportation, including the Office of the Secretary of the Federal Highway Administration. The Federal Transit Administration (FTA) and the Federal Aviation Administration (FAA) are also agencies within the U.S. DOT.

Attachment B

Internet and website addresses

Internal and External Internet Addresses

I. California State Department of Transportation:

Main Web Page <http://www.dot.ca.gov>

Office of Civil Rights <http://www.dot.ca.gov/hq/bep>

Division of Engineering Services – Office Engineer
<http://www.dot.ca.gov/hq/esc/oe/>

Division of Procurement and Contracts
<http://caltrans-opac.ca.gov/index.htm>

Division of Construction
<http://www.dot.ca.gov/hq/construc/>

Division of Transportation Planning
<http://www.dot.ca.gov/hq/tpp/index.htm>

Division of Local Assistance
<http://www.dot.ca.gov/hq/LocalPrograms/>

Division of Mass Transportation
<http://www.dot.ca.gov/hq/MassTrans/index.html>

II. Other Internet Addresses of Importance:

Department of General Services, State Contracts Register (Advertisement of Contracts and Projects)
<https://www.cscr.dgs.ca.gov/cscr/>

Contractor's State License Board
<http://www.cslb.ca.gov/>

United States Department of Transportation DBE Program
<http://osdbu.dot.gov/index.cfm>

Attachment C

Sample DBE Race-Neutral “boilerplate”

bid specifications from Division of

Engineering Service – Office Engineer,

Federal-Front 07-21-06 (1999 Std Specs)



STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

**NOTICE TO CONTRACTORS
AND
SPECIAL PROVISIONS
FOR CONSTRUCTION ON STATE HIGHWAY IN
SISKIYOU COUNTY IN WEED AT VARIOUS LOCATIONS**

DISTRICT 02, ROUTES 5, 97, 265

For Use in Connection with Standard Specifications Dated JULY 1999, Standard Plans Dated JULY 2004 and Labor
Surcharge and Equipment Rental Rates.

CONTRACT NO. 02-359904

02-Sis-5,97,265-Var

Federal Aid Project

ACSTP-ACSTPE-000C(290)E

Bids Open: October 3, 2006
Dated: August 28, 2006

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DEPARTMENT OF TRANSPORTATION_____

NOTICE TO CONTRACTORS

CONTRACT NO. 02-359904

02-Sis-5,97,265-Var

Sealed proposals for the work shown on the plans entitled:

**STATE OF CALIFORNIA; DEPARTMENT OF TRANSPORTATION; PROJECT PLANS FOR
CONSTRUCTION ON STATE HIGHWAY IN SISKIYOU COUNTY IN WEED AT VARIOUS
LOCATIONS**

will be received at the Department of Transportation, 1120 N Street, Room 0200, MS #26, Sacramento, CA 95814, until 2 o'clock p.m. on October 3, 2006, at which time they will be publicly opened and read in Room 0100 at the same address.

2

Proposal forms for this work are included in a separate book entitled:

**STATE OF CALIFORNIA; DEPARTMENT OF TRANSPORTATION; PROPOSAL AND
CONTRACT FOR CONSTRUCTION ON STATE HIGHWAY IN SISKIYOU COUNTY IN WEED
AT VARIOUS LOCATIONS**

4

Bidders are advised that, as required by federal law, the State has established a statewide overall DBE goal. The Department is required to report to FHWA on DBE participation for all Federal-aid contracts each year so that attainment efforts may be evaluated. In order to ascertain whether the statewide overall DBE goal is being achieved, the Department is tracking DBE participation on all Federal-aid contracts.

Contract No. 02-359904

SECTION 2. PROPOSAL REQUIREMENTS AND CONDITIONS

2-1.01 GENERAL

2-1.02 DISADVANTAGED BUSINESS ENTERPRISE (DBE)

This project is subject to title 49, part 26, Code of Federal Regulations (49 CFR 26) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." In order to ensure the Department achieves its federally mandated statewide overall DBE goal, the Department encourages the participation of Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR 26 in the performance of contracts financed in whole or in part with Federal Funds. The Contractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.

SECTION 3. AWARD AND EXECUTION OF CONTRACT

10

The "CALTRANS BIDDER - DBE INFORMATION" form should be returned to the Department by the successful bidder with the executed contract, contract bonds and the documents identified in Section 3-1.025, "Insurance Policies," of the Standard Specifications.

Attachment D

Sample DBE Race-Neutral “boilerplate”
bid specifications from Division of
Procurement and Contracts

DBE Package (The DBE package below goes out with all federally funded contracts):

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION ADMINISTRATION

DIVISION OF PROCUREMENT AND CONTRACTS MS-67

1727 30th STREET

SACRAMENTO, CA 95816-7006

PHONE (916) 227-6000

FAX (916) 227-6155

INTERNET <http://caltrans-opac.ca.gov>



*Flex your power!
Be energy efficient*

(DATE)

NOTICE TO BIDDERS/PROPOSERS

DISADVANTAGED BUSINESS ENTERPRISE INFORMATION

Bidders are advised that, as required by federal law, the State has established a statewide overall DBE goal. The Department is required to report to FHWA on DBE participation for all Federal-aid contracts each year so that attainment efforts may be evaluated.

TERMS AS USED IN THIS DOCUMENT

- The term 'Disadvantaged Business Enterprise' or 'DBE' means a for-profit small business concern as defined in Title 49, Part 26.5, Code of Federal Regulations (CFR).
- The term 'bidder' also means 'proposer' or 'offerer'.
- The term 'Agreement' also means 'Contract'.
- Department also means 'Department of Transportation' or 'Caltrans'.
- The term 'Small Business' or 'SB' is as defined in 49 CFR 26.65.

AUTHORITY AND RESPONSIBILITY

- A. DBEs and other small businesses are strongly encouraged to participate in the performance of Agreements financed in whole or in part with federal funds (See 49CFR26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs"). The Contractor should ensure that DBEs and other SBs have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The bidder/proposer shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.
- B. Bidders/Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.
- C.

SUBMISSION OF DBE INFORMATION

A Disadvantaged Business Enterprise (DBE) (ADM-0227f) form will be included in the Agreement documents to be executed by the successful bidder. The purpose of the form is to collect data

required under 49 CFR 26. Even if no DBE participation will be reported, the successful bidder must execute and return the form.

DBE PARTICIPATION GENERAL INFORMATION

It is the bidder's responsibility to be fully informed regarding the requirements of 49 CFR, Part 26, and the Department's DBE program developed pursuant to the regulations. Particular attention is directed to the following:

- A. A DBE must be a small business firm defined pursuant to 13CFR121 and be certified through the California Unified Certification Program (CUCP).
- B. A certified DBE may participate as a prime contractor, subcontractor, joint venture partner, as a vendor of material or supplies or as a trucking company.
- C. A DBE joint venture partner must be responsible for specific contract items of work or clearly defined portions thereof. Responsibility means actually performing, managing and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.
- D. A DBE must perform a commercially useful function, pursuant to Section 26.55, 49 CFR, Part 26, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
- E. The bidder (prime contractor) shall list only one subcontractor for each portion of work as defined in their bid/proposal and all DBE subcontractors should be listed in the bid/cost proposal list of subcontractors.
- F. A prime contractor who is a certified DBE is eligible to claim all of the work in the Agreement toward the Department's assessed percent of work availability for DBEs except that portion of the work to be performed by non-DBE subcontractors.

RESOURCES

- A. The California Unified Certification Program (CUCP) database includes the DBEs certified from all certifying agencies participating in the CUCP. If you believe a firm is certified that cannot be located on the database, please contact the Caltrans Office of Certification toll free number 1-866-810-6346 for assistance. Bidder/Proposer may call (916) 440-0539 for web or download assistance.
- B. Access the CUCP database from the Department of Transportation, Civil Rights, Business Enterprise Program web site at: <http://www.dot.ca.gov/hq/bep/>.
 - Click on the link in the left menu titled Find a Certified Firm
 - Click on Query Form link, located in the first sentence
 - Click on Certified DBE's (UCP) located on the first line in the center of the page
 - Click on Click To Access DBE Query Form
 - Searches can be performed by one or more criteria
 - Follow instructions on the screen
 - "Start Search", "Requery", "Civil Rights Home", and "Caltrans Home" links are located at the bottom of the query form
- C. How to Obtain a List of Certified DBEs without Internet Access

DBE Directory: If you do not have Internet access, Caltrans also publishes a directory of certified DBE firms extracted from the on-line database. A copy of the directory of certified DBEs may be ordered from the Caltrans' Division of Procurement and Contracts/Material and Distribution Branch/Publication Unit, 1900 Royal Oaks Drive, Sacramento, CA 95815, Telephone: (916) 445-3520.

WHEN REPORTING DBE PARTICIPATION, MATERIAL OR SUPPLIES PURCHASED FROM DBES MAY COUNT AS FOLLOWS:

- A. If the materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies will count toward the DBE participation. A DBE manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the Agreement and of the general character described by the specifications.
- B. If the materials or supplies purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals. A DBE regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Agreement are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a DBE regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating or maintaining a place of business provided in this section.
- C. If the person both owns and operates distribution equipment for the products, any supplementing of regular dealers' own distribution equipment shall be by a long-term lease-agreement and not an ad hoc or Agreement by Agreement basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not DBE regular dealers within the meaning of this section.
- D. Materials or supplies purchased from a DBE, which is neither a manufacturer nor a regular dealer, will be limited to the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on the job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

WHEN REPORTING DBE PARTICIPATION, PARTICIPATION OF DBE TRUCKING COMPANIES MAY COUNT AS FOLLOWS:

- A. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible.
- B. The DBE must itself own and operate at least one fully licensed, insured and operational truck used on the Agreement.
- C. The DBE receives credit for the total value of the transportation services it provides on the Agreement using trucks it owns, insures, and operates using drivers it employs.
- D. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Agreement.

- E. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by the DBE.
- F. For the purposes of this section D, a lease must indicate that the DBE has exclusive use and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, as long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

DBE Contract Language (for all federally funded contracts):

October 3, 2006

1. Disadvantaged Business Enterprise (DBE) Participation

- A. This Agreement is subject to Title 49, Part 26 of the Code of Federal Regulations entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." Contractors who obtain DBE participation on this contract will assist the state in meeting its federally mandated statewide overall DBE goal.
- B. DBE and other small businesses (SB), as defined in Title 49 CFR, Part 26 are encouraged to participate in the performance of agreements financed in whole or in part with Federal funds. The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of US DOT- assisted agreements. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.
- C. As required by federal law, the Department has established a statewide overall DBE goal. In order to ascertain whether that statewide overall DBE goal is being achieved, the Department is tracking DBE participation on all Federal-aid contracts.
- D. The ADM-0227f, DBE Participation form is attached as Attachment and incorporated as part of this Agreement.
- E. The Contractor should notify the Contract Manager, in writing, of any changes to its anticipated DBE participation. This notice should be provided prior to the commencement of that portion of the work.
- F. Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this section.

2. Performance of DBE Contractors, and other DBE Subcontractors/Suppliers

- A. A DBE performs a commercially useful function when it is responsible for execution of the work of the Agreement and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the Agreement, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the Agreement is commensurate with the work it is actually performing, and other relevant factors.
- B. A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, Agreement, or project through which funds are passed

in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, examine similar transactions, particularly those in which DBEs do not participate.

- C. If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its Agreement with its own work force, or the DBE subcontracts a greater portion of the work of the Agreement than would be expected on the basis of normal industry practice for the type of work involved, presume that it is not performing a commercially useful function.

3. Exclusion of Retention

- A. In conformance with 49 CFR, Part 26, Subpart B, Section 26.29 (b)(1), the retention of proceeds required by Public Contract Code (PCC), Section 10261 shall not apply. In conformance with PCC, Section 7200 (b), in subcontracts between the Contractor and a subcontractor and in subcontracts between a subcontractor and any subcontractor thereunder, retention proceeds shall not be withheld, and the exceptions provided in PCC 7200 (c), shall not apply. At the option of the Contractor, subcontractors may be required to furnish payment and performance bonds issued by an admitted surety insurer.
- B. Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this section.

4. DBE Records

- A. The Contractor shall maintain records of materials purchased and/or supplied from all subcontracts entered into with certified DBEs. The records shall show the name and business address of each DBE or vendor and the total dollar amount actually paid each DBE or vendor, regardless of tier. The records shall show the date of payment and the total dollar figure paid to all firms. DBE prime Contractors shall also show the date of work performed by their own forces along with the corresponding dollar value of the work.
- B. Upon completion of the Agreement, a summary of these records shall be prepared and submitted on the form entitled, "Final Report- Utilization of Disadvantaged Business Enterprises (DBE)," CEM-2402F, and certified correct by the Contractor or the Contractor's authorized representative, and shall be furnished to the Contract Manager. The form shall be furnished to the Contract Manager with the final invoice. Failure to provide the summary of DBE payments with the final invoice will result in twenty-five percent (25%) of the dollar value of the invoice being withheld from payment until the form is submitted. The amount will be returned to the Contractor when a satisfactory Final Report Utilization of Disadvantaged Business Enterprises (DBE) are submitted to the Contract Manager.
- C. Prior to the fifteenth of each month, the Contractor shall submit documentation to the Department's Contract Manager showing the amount paid to DBE trucking companies. The Contractor shall also obtain and submit documentation to the Department's Contract Manager showing the amount paid by DBE trucking companies to all firms, including owner-operators, for the leasing of trucks. If the DBE leases trucks from a non-DBE, the Contractor may count only the fee or commission the DBE receives as a result of the lease arrangement.
- D. The Contractor shall also submit to the Department's Contract Manager documentation showing the truck number, name of owner, California Highway Patrol CA number, and if

applicable, the DBE certification number of the truck owner for all trucks used during that month. This documentation shall be submitted on the Monthly DBE Trucking Verification, CEM-2404(F), form provided to the Contractor by the Department's Contract Manager

5. DBE Certification and De-certification Status

If a DBE subcontractor is decertified during the life of the Agreement, the decertified subcontractor shall notify the Contractor in writing with the date of de-certification. If a subcontractor becomes a certified DBE during the life of the Agreement, the subcontractor shall notify the Contractor in writing with the date of certification. Any changes should be reported to the Department Contract Manager within 30 days.

6. When Reporting DBE Participation, Material or Supplies purchased from DBEs may count as follows:

- A. If the materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies will count toward the DBE participation. A DBE manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the Agreement and of the general character described by the specifications.
- B. If the materials or supplies purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals. A DBE regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Agreement are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a DBE regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating or maintaining a place of business provided in this section.
- C. If the person both owns and operates distribution equipment for the products, any supplementing of regular dealers' own distribution equipment shall be by a long-term lease-agreement and not an ad hoc or Agreement by Agreement basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not DBE regular dealers within the meaning of this section.
- D. Materials or supplies purchased from a DBE, which is neither a manufacturer nor a regular dealer, will be limited to the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on the job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

7. When Reporting DBE Participation, Participation of DBE trucking companies may count as follows:

- A. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible.

- B. The DBE must itself own and operate at least one fully licensed, insured and operational truck used on the Agreement.
- C. The DBE receives credit for the total value of the transportation services it provides on the Agreement using trucks it owns, insures, and operates using drivers it employs.
- D. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Agreement.
- E. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by the DBE.
- F. For the purposes of this section, a lease must indicate that the DBE has exclusive use and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, as long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

8. Contractor's Priority Hiring Considerations

The Contractor shall give priority consideration in filling vacancies in positions funded by this Agreement to qualified recipients of aid under Chapter 2 commencing with Section 11200 of the Welfare and Institutions Code, in accordance with Article 3.9 commencing with Section 11349 of the Welfare and Institutions Code.

Solicitation (IFB, RFP, and A& E) DBE Language:

September 21, 2006

1. Disadvantaged Business Enterprise Program

- A. This solicitation is subject to Title 49, part 26, Code of Federal Regulations (49 CFR 26) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." In order to ensure the Department achieves its federally mandated statewide overall DBE goal, the Department encourages the participation of Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR 26 in the performance of Agreements financed in whole or in part with Federal Funds. The Bidder shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.
- B. As required by federal law, the Department has established a statewide overall DBE goal. In order to ascertain whether that statewide overall DBE goal is being achieved, the Department is tracking DBE participation on all Federal-aid contracts.

Attachment E

California Unified Certification (CUCP) **Application**

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)

Dear Business Owner:

Thank you for your interest in participating in the California Unified Certification Program (CUCP) for Disadvantaged Business Enterprises (DBEs). As mandated by the United States Department of Transportation (U.S. DOT) in the DBE Program, Final Rule 49 Code of Federal Regulations (CFR), Part 26, all U.S. DOT recipients of federal financial assistance must participate in a statewide UCP by March 2002. The UCP is a "One-Stop Shopping" certification procedure that eliminates the need for DBE firms to obtain certifications from multiple agencies within the State.

The CUCP is charged with the responsibility of certifying firms and compiling and maintaining the Database of certified DBEs for U.S. DOT grantees in California, pursuant to 49 CFR Part 26. The Database is intended to expand the use of DBE firms by maintaining complete and current information on those businesses and the products and services they can provide to all grantees of California.

Please complete the attached application and supplemental questionnaire if you wish to be considered for DBE certification and your business meets the following general guidelines:

- a) The firm must be at least 51% owned by one or more socially and economically disadvantaged individuals.
- b) The firm must be an independent business, and one or more of the socially and economically disadvantaged owners must control its management and daily operations.
- c) Only existing for-profit "Small Business Concerns," as defined by the Small Business Act and Small Business Administration (SBA) regulations may be certified. DBE applicants are first subject to the applicable small business size standards of the SBA. Second, the average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed U.S. DOT's cap of \$19.57 million.
- d) The Personal Net Worth (PNW) of each socially and economically disadvantaged owner must not exceed \$750,000, excluding the individual's ownership interest in the applicant firm and the equity in his/her primary residence.

For firms applying for airport concession DBE (ACDBE) certification: The average annual gross receipts for most firms (including its affiliates) over the previous three fiscal years must not exceed \$30 million. Certain types of businesses have size standards that differ from the standard (1) Banks: \$275 million in assets;

(2) Car rental companies: \$40 million average annual gross receipts over the firm's three previous fiscal years; (3) Pay telephones: 1,500 employees. A Personal Net Worth statement **will be required after April 21, 2005.**

Socially and economically disadvantaged individual means any individual who is a citizen of the United States (or lawfully admitted permanent resident) and who is a member of the following groups: Black American, Hispanic American, Native American, Asian-Pacific American, Subcontinent Asian American, or Women,

or

Any individual found to be socially and economically disadvantaged on a case-by-case basis by a certifying agency pursuant to the standards of the U.S. DOT 49 CFR Part 26.

In order to avoid unnecessary delays, please complete all portions of the application and supplemental questionnaire, placing "N/A" next to items that are not applicable. Include all copies of documents requested on the application, and have the *Affidavit of Certification* notarized. Additional documentation may be requested if it is considered necessary to make a certification determination. Incomplete applications/supplemental questionnaires or applications/supplemental questionnaires without all the required documents will not be evaluated until such documents are submitted. We recommend keeping a copy of all submitted documents for your records.

REMEMBER: It is no longer necessary to apply at more than one agency. If your firm meets the criteria for certification, it will be entered into the Database of DBEs for all U.S. DOT grantees in California. Only firms currently certified as eligible DBEs may participate in the DBE programs of U.S. DOT grantees of California.

The CUCP has established two Regional DBE Certification Clusters throughout the State to effectively facilitate statewide DBE certification activities. Please forward your completed certification packet to **one** of the agencies serving the county where your firm has its principal place of business. (See enclosed Roster of Certifying Agencies.)

For Out-of-State Firms: The CUCP will not process a new application for DBE certification from a firm having its principal place of business in another state unless the firm has already been certified in that state. If your firm is located outside of California and is certified as a DBE at its home state, please forward your completed certification packet, along with a copy of your DBE certificate, to the California Department of Transportation. (See page 2 of the enclosed Roster of Certifying Agencies.)

CALIFORNIA UNIFIED CERTIFICATION PROGRAM

INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM UNIFORM CERTIFICATION APPLICATION

NOTE: If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION Prior/Other Certifications

Check the appropriate box indicating for which program your firm is currently certified. If you are already certified as a DBE, indicate in the appropriate box the name of the certifying agency that has previously certified your firm, and also indicate whether your firm has undergone an onsite visit. If your firm has already undergone an onsite visit/review, indicate the most recent date of that review and the state UCP that conducted the review.

NOTE: If your firm is currently certified under the SBA's 8(a) and/or SDB programs, you may not have to complete this application. You should contact your state UCP to find out about a streamlined application process for firms that are already certified under the 8(a) and SDB programs.

Prior/Other Applications and Privileges

Indicate whether your firm or any of the persons listed has ever withdrawn an application for a DBE program or an SBA 8(a) or SDB program, or whether any have ever been denied certification, decertified, debarred, suspended, or had bidding privileges denied or restricted by any state or local agency or Federal entity. If your answer is yes, indicate the date of such action, identify the name of the agency, and explain fully the nature of the action in the space provided.

Section 2: GENERAL INFORMATION

A. Contact Information

- (1) State the name and title of the person who will serve as your firm's primary contact under this application.
- (2) State the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) State the primary phone number of your firm.
- (4) State a secondary phone number, if any.
- (5) State your firm's fax number, if any.
- (6) State your firm's or your contact person's email address.
- (7) State your firm's website address, if any.
- (8) State the street address of your firm (i.e. the physical location of its offices -- not a post office box address).
- (9) State the mailing address of your firm, if it is different from your firm's street address.

B. Business Profile

- (1) In the box provided, briefly describe the primary business and professional activities in which your firm engages.
- (2) State the Federal Tax ID number of your firm as provided on your firm's filed tax returns, if you have one. This could also be the Social Security number of the owner of your firm.
- (3) State the date on which your firm was officially established, as stated in your firm's Articles of Incorporation or charter.
- (4) State the date on which you and/or each other owner took ownership of the firm.
- (5) Check the appropriate box that describes the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit."
NOTE: If you checked "No," then you do NOT qualify for the DBE program and therefore do not need to complete the rest of this application. The DBE program requires all participating firms be for-profit enterprises.
- (7) Check the appropriate box that describes the legal form of ownership of your firm, as indicated in your firm's Articles of Incorporation. If you checked "Other," briefly explain in the space provided.
- (8) Check the appropriate box that indicates whether your firm has ever existed under different ownership, a different type of ownership, or a different name. If you checked "Yes," specify which and briefly explain the circumstances in the space provided.
- (9) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time and part-time basis.
- (10) Specify the total gross receipts of your firm for each of the past three years, as declared in your firm's filed tax returns.

C. Relationships with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, or any office staff with any other

business, organization, or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and briefly explain the nature of the shared facilities or other items in the space provided.

- (2) Check the appropriate box that indicates whether at present, or at any time in the past:
 - (a) Your firm has been a subsidiary of any other firm;
 - (b) Your firm consisted of a partnership in which one or more of the partners are other firms;
 - (c) Your firm has owned any percentage of any other firm; and
 - (d) Your firm has had any subsidiaries of its own.
- (3) Check the appropriate box that indicates whether any other firm has ever had an ownership interest in your firm.
- (4) If you answered "Yes" to any of the questions in (2)(a)-(d) or (3), identify the name, address and type of business for each.

D. Immediate Family Member Businesses

Check the appropriate box that indicates whether any of your immediate family members own or manage another company. An "immediate family member" is any person who is your father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law. If you answered "Yes," provide the name of each relative, your relationship to them, the name of the company they own or manage, the type of business, and whether they own or manage the company.

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each additional owner):

A. Background Information

- (1) Give the name of the owner.
- (2) State his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) State his/her home (street) address.
- (5) Check the appropriate box that indicates this owner's gender.
- (6) Check the appropriate box that indicates this owner's ethnicity (check all that apply). If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen.
- (8) If this owner is not a U.S. citizen, check the appropriate box that indicates whether this owner is a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner. This, however, does not necessarily

disqualify your firm altogether from the DBE program if another owner is a U.S. citizen or lawfully admitted permanent resident and meets the program's other qualifying requirements.

B. Ownership Interest

- (1) State the number of years during which this owner has been an owner of your firm.
- (2) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment.
- (3) State the percentage of total ownership control of your firm that this owner possesses.
- (4) State the familial relationship of this owner to each other owner of your firm.
- (5) Indicate the number, percentage of the total, class, date acquired, and method by which this owner acquired his/her shares of stock in your firm.
- (6) Check the appropriate box that indicates whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's title or function held in that business.
- (7) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business and this owner's title or function held in that business. Briefly describe the nature of the business relationship in the space provided.

Disadvantaged Status

NOTE: You only need to complete this section for each owner that is applying for DBE qualification (i.e. for each owner who is claiming to be "socially and economically disadvantaged" and whose ownership interest is to be counted toward the control and 51% ownership requirements of the DBE program)

- (1) Indicate in the space provided the total Personal Net Worth (PNW) of each owner who is applying for DBE qualification. Use the PNW calculator form at the end of this application to compute each owner's PNW.
- (2) Check the appropriate box that indicates whether any trust has ever been created for the benefit of this disadvantaged owner. If you answered "Yes," briefly explain the nature, history, purpose, and current value of the trust(s).

Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors:

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer of your firm.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and

gender of each individual serving on your firm's Board of Directors.

- (3) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the officer or director, and the nature of his/her business relationship with that other firm.

B. Identify your firm's management personnel (by name, title, ethnicity, and gender) who control your firm in the following areas:

- (1) Making of financial decisions on your firm's behalf, including the acquisition of lines of credit, surety bonds, supplies, etc.;
 - (2) Estimating and bidding, including calculation of cost estimates, bid preparation and submission;
 - (3) Negotiating and contract execution, including participation in any of your firm's negotiations and executing contracts on your firm's behalf;
 - (4) Hiring and/or firing of management personnel, including interviewing and conducting performance evaluations;
 - (5) Field/Production operations supervision, including site supervision, scheduling, project management services, etc.;
 - (6) Office management;
 - (7) Marketing and sales;
 - (8) Purchasing of major equipment;
 - (9) Signing company checks (for any purpose); and
 - (10) Conducting any other financial transactions on your firm's behalf not otherwise listed.
- (11) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (12) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above own or work for any

other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the name of the person, and the nature of his/her business relationship with that other firm.

C. Indicate your firm's inventory in the following categories:

(1) Equipment

State the type, make and model, and current dollar value of each piece of equipment held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm.

(2) Vehicles

State the type, make and model, and current dollar value of each motor vehicle held and/or used by your firm. Indicate whether each vehicle is either owned or leased by your firm.

(3) Office Space

State the street address of each office space held and/or used by your firm. Indicate whether your firm owns or leases the office space and the current dollar value of that property or its lease.

(4) Storage Space

State the street address of each storage space held and/or used by your firm. Indicate whether your firm owns or leases the storage space and the current dollar value of that property or its lease.

D. Does your firm rely on any other firm for management functions or employee payroll?

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," briefly explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial Information

(1) Banking Information

- (a) State the name of your firm's bank.
- (b) Give the main phone number of your firm's bank branch.
- (c) Give the address of your firm's bank branch.

(2) Bonding Information

- (a) State your firm's Binder Number.
- (b) State the name of your firm's bond agent and/or broker.
- (c) Give your agent's/broker's phone number.
- (d) Give your agent's/broker's address.
- (e) State your firm's bonding limits (in dollars), specifying both the Aggregate and Project Limits.

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms securing the loan, if other than the listed owner:

State the name and address of each source, the original dollar amount and the current balance of each loan,

and the purpose for which each loan was made to your firm.

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years:

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. List current licenses/permits held by any owner or employee of your firm.

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and the license/permit number and issuing State of the license or permit.

I. List the three largest contracts completed by your firm in the past three years, if any.

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. List the three largest active jobs on which your firm is currently working.

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

AFFIDAVIT & SIGNATURE

Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
49 C.F.R. PART 26**

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS

① Should I apply?

- Is your firm at least 51%-owned by a socially and economically disadvantaged individual(s) who also controls the firm?
- Is the disadvantaged owner a U.S. citizen or lawfully admitted permanent resident of the U.S.?
- Is your firm a small business that meets the Small Business Administration's (SBA's) size standard and does not exceed \$17.42 million⁽¹⁾ in gross annual receipts?
- Is your firm organized as a for-profit business?

☐ If you answered "Yes" to all of the questions above, you may be eligible to participate in the U.S. DOT DBE program.

② Is there an easier way to apply?

If you are currently certified by the SBA as an 8(a) and/or SDB firm, you may be eligible for a streamlined certification application process. Under this process, the certifying agency to which you are applying will accept your current SBA application package in lieu of requiring you to fill out and submit this form. **NOTE: You must still meet the requirements for the DBE program, including undergoing an on-site review.**

③ Be sure to attach all of the required documents listed in the Documents Check List at the end of this form with your completed application.

④ Where can I find more information?

- U.S. DOT – <http://osdbuweb.dot.gov/business/dbe/index.html> (this site provides useful links to the rules and regulations governing the DBE program, questions and answers, and other pertinent information)
- SBA – <http://www.ntis.gov/naics> (provides a listing of NAICS codes) and <http://www.sba.gov/size/indexableofsize.html> (provides a listing of SIC codes)
- 49 CFR Part 26 (the rules and regulations governing the DBE program)

⁽¹⁾ Note: the figure of \$17.42 million has been increased to \$19.57 million pursuant to SAFETEA-LU, effective August 10, 2005.

Under Sec. 26.107 of 49 CFR Part 26, dated February 2, 1999, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 49 CFR

Part 29, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Is your firm currently certified for any of the following programs? <i>(If Yes, check appropriate box(es))</i>	<input type="checkbox"/> DBE	Name of certifying agency:
		Has your firm's state UCP conducted an on-site visit?
		<input type="checkbox"/> Yes, on ___/___/___ State: _____ <input type="checkbox"/> No
	<input type="checkbox"/> 8(a)	⊗ STOP! If you checked either the 8(a) or SDB box, you <u>may not</u> have to complete this application. Ask your state UCP about the streamlined application process under the SBA-DOT MOU.
<input type="checkbox"/> SD B		

B. Prior/Other Applications and Privileges

Has your firm (under any name) or any of its owners, Board of Directors, officers or management personnel, ever withdrawn an application for any of the programs listed above, or ever been denied certification, decertified, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity?
<input type="checkbox"/> Yes, on ___/___/___ <input type="checkbox"/> No
If Yes, identify State and name of state, local, or Federal agency and explain the nature of the action:

Section 2: GENERAL INFORMATION

A. Contact Information

(1) Contact person and Title:		(2) Legal name of firm:		
(3) Phone #:	(4) Other Phone #:	(5) Fax #:		
(6) E-mail:		(7) Website <i>(if have one)</i> :		
(8) Street address of firm <i>(No P.O. Box)</i> :		City:	County/Parish:	State: Zip:
(9) Mailing address of firm <i>(if different)</i> :		City:	County/Parish:	State: Zip:

B. Business Profile

(1) Describe the primary activities of your firm:	(2) Federal Tax ID (if any):
---	------------------------------

(3) This firm was established on _____/_____/_____ 	(4) I/We have owned this firm since: _____/_____/_____
(5) Method of acquisition (<i>check all that apply</i>): <input type="checkbox"/> Started new business <input type="checkbox"/> Bought existing business <input type="checkbox"/> Inherited business <input type="checkbox"/> Secured concession <input type="checkbox"/> Merger or consolidation <input type="checkbox"/> Other (<i>explain</i>) _____	
(6) Is your firm "for profit"? <input type="checkbox"/> Yes <input type="checkbox"/> No	⊗ STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and do NOT need to fill out this application.
(7) Type of firm (<i>check all that apply</i>): <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Liability Corporation <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other, Describe: _____	
(8) Has your firm ever existed under different ownership, a different type of ownership, or a different name? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain: _____	
(9) Number of employees: Full-time _____ Part-time _____ Total _____	
(10) Specify the gross receipts of the firm for the last 3 years: Year _____ Total receipts \$ _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> _____ Year _____ Total receipts \$ _____ </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> _____ Year _____ Total receipts \$ _____ </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> _____ Year _____ Total receipts \$ _____ </div>	

C. Relationships with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office space, yard, warehouse, facilities, equipment, or office staff, with any other business, organization, or entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Other Firm's name: _____ Explain nature of shared facilities: _____									
(2) At present, or at any time in the past, has your firm:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">(a) been a subsidiary of any other firm?</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">(b) consisted of a partnership in which one or more of the partners are other firms?</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">(c) owned any percentage of any other firm?</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">(d) had any subsidiaries?</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>	(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(b) consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
(b) consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
(3) Has any other firm had an ownership interest in your firm at present or at any time in the past? <input type="checkbox"/> Yes <input type="checkbox"/> No									

(4) If you answered "Yes" to any of the questions in (2)(a)-(d) and/or (3), identify the following for each (*attach extra sheets, if needed*):

	<u>Name</u>	<u>Address</u>	<u>Type of Business</u>
1.			
2.			
3.			

D. Immediate Family Member Businesses

Do any of your immediate family members own or manage another company? ☐ Yes ☐ No

If Yes, then list (*attach extra sheets, if needed*):

	<u>Name</u>	<u>Relationship</u>	<u>Company</u>	<u>Type of Business</u>	<u>Own or Manage?</u>
1.					
2.					

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (*If more than one owner, attach separate sheets for each additional owner*):

A. Background Information

(1) Name:		(2) Title:		(3) Home Phone #:	
(4) Home Address (<i>street and number</i>):				City:	State: Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		(6) Ethnic group membership (<i>Check all that apply</i>): <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (<i>specify</i>) _____			
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No					
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No					

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to <u>Dollar Value</u> acquire ownership interest in firm:	<u>Type</u> Cash \$ Real Estate \$ Equipment \$ Other \$
(3) Percentage owned:		
(4) Familial relationship to other owners:		
(5) Shares of Stock: <u>Number</u> <u>Percentage</u> <u>Class</u> <u>Date acquired</u> <u>Method Acquired</u>		
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No		

If Yes, identify: Name of Business: _____ Function/Title: _____

(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? ☐ Yes ☐ No

If Yes, identify: Name of Business: _____ Function/Title: _____

Nature of Business Relationship: _____

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e. for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? *(Use and attach the Personal Financial Statement form at the end of this application; attach additional sheets if more than one owner is applying)*

(2) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No

If Yes, explain *(attach additional sheets if needed)*:

Section 4: CONTROL

A. Identify your firm's Officers & Board of Directors *(If additional space is required, attach a separate sheet):*

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
	(e)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				
	(e)				

(3) Do any of the persons listed in (1) and/or (2) above perform a management or supervisory function for any other business? ☐ Yes ☐ No

If Yes, identify for each: Person: _____ Title: _____
 Business: _____ Function: _____

(4) Do any of the persons listed (1) and/or (2) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? ☐ Yes ☐ No

If Yes, identify for each: Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

B. Identify your firm's management personnel who control your firm in the following areas *(If more than two persons, attach a separate sheet):*

	Name	Title	Ethnicity	Gender
(1) Financial Decisions <i>(responsibility for acquisition of lines of credit, surety bonding, supplies, etc.)</i>	a.			
	b.			
(2) Estimating and bidding	a.			
	b.			
(3) Negotiating and Contract Execution	a.			
	b.			
(4) Hiring/firing of management personnel	a.			
	b.			
(5) Field/Production Operations Supervisor	a.			
	b.			
(6) Office management	a.			

	b.			
(7) Marketing/Sales	a.			
	b.			
(8) Purchasing of major equipment	a.			
	b.			
(9) Authorized to Sign Company Checks (for any purpose)	a.			
	b.			
(10) Authorized to make Financial Transactions	a.			
	b.			
(11) Do any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify for each: Person: _____ Title: _____ Business: _____ Function: _____				
(12) Do any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify for each: Firm Name: _____ Person: _____ Nature of Business Relationship: _____				

C. Indicate your firm's inventory in the following categories (*attach additional sheets if needed*):

(1) Equipment

Type of Equipment	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(2) Vehicles

Type of Vehicle	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(3) Office Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

(4) Storage Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

D. Does your firm rely on any other firm for management functions or employee payroll? ☐ Yes ☐ No

If Yes, explain:

E. Financial Information**(1) Banking Information:**

(a) Name of bank: _____ (b) Phone No: ()

(c) Address of bank: _____ City: _____ State: _____ Zip: _____

(2) Bonding Information: If you have bonding capacity, identify: (a) Binder No: _____

(b) Name of agent/broker _____ (c) Phone No: ()
_____ (d) Address of agent/broker: _____ City: _____
State: _____ Zip: _____
(e) Bonding limit: Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of any persons or firms securing the loan, if other than the listed owner:

Name of Source	Address of Source	Name of Person Securing the Loan	Original Amount	Current Balance	Purpose of Loan
1.					
2.					
3.					

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years (attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Transferred	Whom	To Transferred	Whom	Relationship	Date of Transfer
1.							
2.							
3.							

H. List current licenses/permits held by any owner and/or employee of your firm (e.g. contractor, engineer, architect, etc.)(attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	License Number and State
1.			
2.			
3.			

--	--	--	--

I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1.			
2.			
3.			

J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1.					
2.					
3.					

DBE UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST
In order to complete your application for DBE certification, you must attach copies of all of the following documents as they apply to you and your firm.

All Applicants

- ☐ Work experience resumes (that include places of ownership/employment with corresponding dates), for all owners and officers of your firm
- ☐ Personal Financial Statement (form available with this application)
- ☐ Personal tax returns for the past three years, if applicable, for each owner claiming disadvantaged status
- ☐ Your firm's tax returns (gross receipts) and all related schedules for the past three years
- ☐ Documented proof of contributions used to acquire ownership for each owner (*e.g. both sides of cancelled checks*)
- ☐ Your firm's signed loan agreements, security agreements, and bonding forms
- ☐ Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- ☐ List of equipment leased and signed lease agreements
- ☐ List of construction equipment and/or vehicles owned and titles/proof of ownership
- ☐ Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past two years
- ☐ Year-end balance sheets and income statements for the past three years (*or life of firm, if less than three years*); a new business must provide a current balance sheet
- ☐ All relevant licenses, license renewal forms, permits, and haul authority forms
- ☐ DBE and SBA 8(a) or SDB certifications, denials, and/or decertifications, if applicable
- ☐ Bank authorization and signatory cards
- ☐ Schedule of salaries (or other compensation or remuneration) paid to all officers, managers, owners, and/or directors of the firm
- ☐ Trust agreements held by any owner claiming disadvantaged status, if any

Partnership or Joint Venture

- ☐ Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

- ☐ Official Articles of Incorporation (*signed by the state official*)
- ☐ Both sides of all corporate stock certificates and your firm's stock transfer ledger
- ☐ Shareholders' Agreement
- ☐ Minutes of all stockholders and board of directors meetings
- ☐ Corporate by-laws and any amendments
- ☐ Corporate bank resolution and bank signature cards
- ☐ Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

Trucking Company

- ☐ Documented proof of ownership of the company
- ☐ Insurance agreements for each truck owned or operated by your firm
- ☐ Title(s) and registration certificate(s) for each truck owned or operated by your firm
- ☐ List of U.S. DOT numbers for each truck owned or operated by your firm

Regular Dealer

- ☐ Proof of warehouse ownership or lease
- ☐ List of product lines carried
- ☐ List of distribution equipment owned and/or leased

NOTE: The specific state UCP to which you are applying may have additional required documents that you must also supply with your application. Contact the appropriate certifying agency to which you are applying to find out if more is required. (See Supplemental Document Checklist)

**DBE UNIFORM CERTIFICATION APPLICATION
SPECIAL INSTRUCTIONS
FOR AIRPORT CONCESSIONAIRE ONLY**

The following are additional special instructions for a firm applying for airport concession DBE certification.

- (1) In the space available in Section 2(B)(7) of the application form, the applicant must state that it is applying for certification as an Airport Concession Disadvantaged Business Enterprise (ACDBE).
- (2) With respect to Section 4(C) of the application form, the applicant must provide information on an attached page concerning the address/location, ownership/lease status, current value of property or lease, and fees/lease payments paid to the airport.
- (3) The applicant need not complete Section 4(I) and (J) of the application form. However, the applicant must provide information on an attached page concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of concession.
- (4) Please note for airport concession DBE certification, Federal regulations, 49 CFR §23.3, define personal net worth (PNW) for an airport concession owner as follows:

“Personal net worth” means “the net value of the assets of an individual remaining after total liabilities are deducted. An individual’s personal net worth does not include the following: (1) the individual’s ownership interest in an ACDBE firm or a firm that is applying for ACDBE certification; (2) the individual’s equity in his or her primary place of residence; and (3) other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her ACDBE firm (or have in fact been encumbered to support existing financing for the individual’s ACDBE business), to a maximum of \$3 million. An individual’s personal net worth includes only his or her own share of assets held jointly or as community property with the individual’s spouse.”

If an applicant is relying upon the exclusion of “other assets” to meet the PNW requirement, the applicant must demonstrate and provide documentation to show that the assets are necessary to obtain financing or a franchise agreement to enter or expand a concession business at an airport (e.g., by producing letters from banks to that effect); or show that the assets have in fact been encumbered to support existing financing for an airport concession business (e.g., by producing loan agreements showing value of assets used as collateral for the loans).

If you have any questions or would like assistance, please contact one of the certifying agencies on the enclosed Roster.

FOR AIRPORT CONCESSIONAIRE USE ONLY

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



Supplemental Document Checklist

Firm Name: _____

In order to complete your application for DBE certification, you must also attach copies of all of the following documents:

- ☐ Documentation of Group Membership. Please comply with one of the following: (1) For each owner seeking social disadvantaged status on the basis of Ethnic membership, please provide a document (e.g., birth certificate, U.S. Passport, Green Card, parents' birth certificate, etc.) evidencing Ethnic heritage or similar document evidencing Ethnic community affiliation. (2) For each owner seeking social disadvantaged status on the basis of Gender, please provide a document evidencing gender (e.g., birth certificate, driver's license, etc.). (3) For each owner seeking an individual showing of social disadvantage, please provide documents you deem appropriate for consideration.
- ☐ Documentation of U.S. citizenship or lawful permanent residence, e.g., U.S. birth certificate, Green Card, etc.

Supplemental Questionnaire

For firm applying for airport concession DBE certification: The following Supplemental Questionnaire is not required.

1. Is the firm's principal place of business in California? Yes_____ No_____

If no, please include a copy of the firm's DBE certificate issued in its home state. (The CUCP will not process a new application for DBE certification from a firm having its principal place of business in another state unless the firm has already been certified in that state.)

2. Is the firm authorized to do business in the State of California? Yes_____ No_____

3. List all office locations in California: _____

4. Has the firm ever done business with any U.S. DOT Grantees of California? Yes_____ No_____

If yes, please indicate the agency name(s) and latest year(s):

Agency	Latest Year

Agency	Latest Year

5. Is there an upcoming project in which the firm is interested and therefore, would need to be certified prior to a specific date in order to be counted toward DBE participation? Yes_____ No_____

If yes, please provide the following information:

Agency letting contract: _____

Contract Number
and Name: _____

Bid Opening date or
Request for Proposal due date: _____

6. Indicate areas where you prefer to do your work.

- | | | | | | |
|---------------------------------------|--------------------------------------|---------------------------------------|--|---|--------------------------------------|
| <input type="checkbox"/> 01 Alameda | <input type="checkbox"/> 11 Glenn | <input type="checkbox"/> 21 Marin | <input type="checkbox"/> 31 Placer | <input type="checkbox"/> 41 San Mateo | <input type="checkbox"/> 51 Sutter |
| <input type="checkbox"/> 02 Alpine | <input type="checkbox"/> 12 Humboldt | <input type="checkbox"/> 22 Mariposa | <input type="checkbox"/> 32 Plumas | <input type="checkbox"/> 42 Santa Barbara | <input type="checkbox"/> 52 Tehama |
| <input type="checkbox"/> 03 Amador | <input type="checkbox"/> 13 Imperial | <input type="checkbox"/> 23 Mendocino | <input type="checkbox"/> 33 Riverside | <input type="checkbox"/> 43 Santa Clara | <input type="checkbox"/> 53 Trinity |
| <input type="checkbox"/> 04 Butte | <input type="checkbox"/> 14 Inyo | <input type="checkbox"/> 24 Merced | <input type="checkbox"/> 34 Sacramento | <input type="checkbox"/> 44 Santa Cruz | <input type="checkbox"/> 54 Tulare |
| <input type="checkbox"/> 05 Calaveras | <input type="checkbox"/> 15 Kern | <input type="checkbox"/> 25 Modoc | <input type="checkbox"/> 35 San Benito | <input type="checkbox"/> 45 Shasta | <input type="checkbox"/> 55 Tuolumne |
| <input type="checkbox"/> 06 Colusa | <input type="checkbox"/> 16 Kings | <input type="checkbox"/> 26 Mono | <input type="checkbox"/> 36 San Bernardino | <input type="checkbox"/> 46 Sierra | <input type="checkbox"/> 56 Ventura |

<input type="checkbox"/> 07 Contra Costa	<input type="checkbox"/> 17 Lake	<input type="checkbox"/> 27 Monterey	<input type="checkbox"/> 37 San Diego	<input type="checkbox"/> 47 Siskiyou	<input type="checkbox"/> 57 Yolo
<input type="checkbox"/> 08 Del Norte	<input type="checkbox"/> 18 Lassen	<input type="checkbox"/> 28 Napa	<input type="checkbox"/> 38 San Francisco	<input type="checkbox"/> 48 Solano	<input type="checkbox"/> 58 Yuba
<input type="checkbox"/> 09 El Dorado	<input type="checkbox"/> 19 Los Angeles	<input type="checkbox"/> 29 Nevada	<input type="checkbox"/> 39 San Joaquin	<input type="checkbox"/> 49 Sonoma	
<input type="checkbox"/> 10 Fresno	<input type="checkbox"/> 20 Madera	<input type="checkbox"/> 30 Orange	<input type="checkbox"/> 40 San Luis Obispo	<input type="checkbox"/> 50 Stanislaus	

AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed), swear or affirm under penalty of law that I am _____ (title) of applicant firm _____ (firm name) and that I have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial of certification.

If awarded a contract or subcontract, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I certify that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise (DBE). In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s) (circle all that apply):

Female Black American Hispanic American
Native American Asian-Pacific American
Subcontinent Asian American
Other (specify) _____

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$750,000, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Executed on _____ (Date)

Signature _____
(DBE Applicant)

NOTARY CERTIFICATE



OMB APPROVAL NO. 3245-0188
EXPIRATION DATE: 3/31/2008

PERSONAL FINANCIAL STATEMENT

U.S. SMALL BUSINESS ADMINISTRATION

As of _____, _____

Complete this form for: (1) each proprietor, or (2) each limited partner who owns 20% or more interest and each general partner, or (3) each stockholder owning 20% or more of voting stock, or (4) any person or entity providing a guaranty on the loan.

Name	Business Phone
Residence Address	Residence Phone
City, State, & Zip Code	
Business Name of Applicant	

ASSETS (Omit Cents)	LIABILITIES (Omit Cents)
Cash on hand & in Banks \$ _____	Accounts Payable \$ _____
Savings Accounts \$ _____	Notes Payable to Banks and Others \$ _____ (Describe in Section 2)
IRA or Other Retirement Account \$ _____	Installment Account (Auto) \$ _____ Mo. Payments \$ _____
Accounts & Notes Receivable \$ _____	Installment Account (Other) \$ _____ Mo. Payments \$ _____
Life Insurance-Cash Surrender Value Only \$ _____ (Complete Section 8)	Loan on Life Insurance \$ _____
Stocks and Bonds \$ _____ (Describe in Section 3)	Mortgages on Real Estate \$ _____ (Describe in Section 4)
Real Estate \$ _____ (Describe in Section 4)	Unpaid Taxes \$ _____ (Describe in Section 6)
Automobile-Present Value \$ _____	Other Liabilities \$ _____ (Describe in Section 7)
Other Personal Property \$ _____ (Describe in Section 5)	Total Liabilities \$ _____
Other Assets \$ _____ (Describe in Section 5)	Net Worth \$ _____
Total \$ _____	Total \$ _____

Section 1. Source of Income	Contingent Liabilities
Salary \$ _____	As Endorser or Co-Maker \$ _____
Net Investment Income \$ _____	Legal Claims & Judgments \$ _____
Real Estate Income \$ _____	Provision for Federal Income Tax \$ _____
Other Income (Describe below)* \$ _____	Other Special Debt \$ _____

Description of Other Income in Section 1.

*Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

Name and Address of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed).					
Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

Section 4. Real Estate Owned. (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)			
	Property A	Property B	Property C
Type of Property			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

Section 5. Other Personal Property and Other Assets. (Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency)

Section 6. Unpaid Taxes. (Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)

Section 7. Other Liabilities. (Describe in detail.)

Section 8. Life Insurance Held. (Give face amount and cash surrender value of policies - name of insurance company and beneficiaries)

I authorize SBA/Lender to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the U.S. Attorney General (Reference 18 U.S.C. 1001).

Signature:	Date:	Social Security Number:
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Signature:	Date:	Social Security Number:
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PLEASE NOTE: The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information, please contact Chief, Administrative Branch, U.S. Small Business Administration, Washington, D.C. 20416, and Clearance Officer, Paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. PLEASE DO NOT SEND FORMS TO OMB.

Instructions to complete Personal Financial Statement (SBA Form 413) for the California Unified Certification Program:

1. Fill out all line items to the best of your ability. Be sure to include the DATE in the upper right corner of the First page.
2. Include all of your and, if applicable, your spouse's assets and liabilities.
3. Assets that must be included are real property (includes rental or vacation homes), personal property wherever located (includes household goods, collectibles, clothing and jewelry), other businesses, vehicles, boats, trailers, cash, bank accounts, stocks, bonds, retirement accounts, insurance policies and any other assets where you have an ownership interest.
4. Complete Section 4 for all of your real estate. Be sure to include and identify which is your primary residence.
5. For married individuals, list both names and all property, including both community and separate property. Complete Section 5 to identify separate property for each spouse.
6. Describe other assets, other property, and other liabilities in detail. Include your equity in your business also, under Other Assets, and then itemize all Other Assets in Section 5.
7. Market values for items such as real estate, other assets and other property should be as accurate as possible to their value as of the above date.
8. If necessary, use additional sheet(s) of paper to report all information and details.
9. To compute **Net Worth**, first add all liabilities and put that figure in the Total Liabilities line, then subtract Total Liabilities from Total Assets to get your **Net Worth**.
10. To determine economic disadvantage eligibility, your **Net Worth** amount will be adjusted by the following to obtain an Adjusted Net Worth figure (see worksheet below).
 - Exclusion of an individual's ownership interest in the applicant firm;
 - Exclusion of an individual's equity in his or her primary residence;
 - Deduction of tax and interest penalties that would accrue if retirement savings or investments (e.g., pension plans, Individual Retirement Accounts, 401(k) accounts, etc.) were distributed at the present time.
 - **For airport concessionaire only:** Exclusion of other assets documented to be necessary to obtain financing or a franchise agreement for the initiation, support or expansion of an airport concession, to a maximum of \$3 million.

An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse. If your Adjusted Net Worth exceeds the \$750,000 cap and you, individually, or you and other individuals are the majority owners of an applicant firm, the firm is not eligible for DBE certification. If the Adjusted Net Worth of the majority owner(s) exceeds the \$750,000 cap at any time after your firm is certified, the firm is no longer eligible for certification. Should that occur, it is your responsibility to contact your certifying agency in writing to advise the firm no longer qualifies.

Adjusted Net Worth Worksheet:

Net Worth (less one-half of community property, if applicable) \$ _____

Less: ① ownership interest in applicant firm (_____)

② equity in primary residence (_____)

③ tax and interest penalties on retirement accounts (_____)

④ airport concessionaire exclusion, if applicable (_____)

Adjusted Net Worth Total\$_____

11. Be sure to sign, and date at the end of the statement. If you have any questions or would like assistance in completing this form, please contact one of the certifying agencies on the enclosed Roster.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUC)



NAICS Codes

The California Unified Certification Program adopted the 2002 North American Industry Classification System (NAICS), an updated federal classification system, on October 27, 2003. Please indicate below areas of expertise that you prefer to perform in order of importance. Enclosed is a partial list of NAICS codes for your convenience. For a full list of NAICS codes and assistance in locating appropriate NAICS codes and determining if your firm meets U.S. Small Business Administration (SBA) and U.S. DOT size standards, a search tool is available on the SBA web site at: <http://www.sba.gov/size/indexableofsize.html>. DBE applicants are first subject to the applicable small business size standards of the Small Business Administration (SBA). Second, the average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed the U.S. Department of Transportation's cap of \$19.57 million, as amended pursuant to SAFETEA-LU. Please note that size standards are subject to change at any time by the SBA. If you do not have Internet access or need assistance, please contact one of the certifying agencies on the enclosed Roster.

For firm applying for airport concession DBE certification: The average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed \$30 million.

<u>NAICS Code</u>	<u>Description of Work/Service</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CALIFORNIA UNIFIED CERTIFICATION PROGRAM
List of NAICS Codes (partial)

110000	Agriculture, Forestry, Fishing and Hunting
111000	Crop Production
112000	Animal Production
113000	Forestry and Logging
114000	Fishing, Hunting and Trapping
115000	Support Activities for Agriculture and Forestry
210000	Mining
211000	Oil and Gas Extraction
212000	Mining (except Oil and Gas)
213000	Support Activities for Mining
220000	Utilities
221110	Hydroelectric, Fossil Fuel, Nuclear and Other Electric Power Generation
221120	Electric Power Transmission, Control and Distribution
221310	Water Supply and Irrigation Systems
230000	Construction*
236000	Construction of Buildings
236115	New Single-Family Housing Construction (except Operative Builders)
236116	New Multifamily Housing Construction (except Operative Builders)
236117	New Housing Operative Builders
236118	Residential Remodelers
236210	Industrial Building Construction
236220	Commercial and Institutional Building Construction
237000	Heavy and Civil Engineering Construction
237110	Water and Sewer Line and Related Structures Construction
237120	Oil and Gas Pipeline and Related Structures Construction
237130	Power and Communication Line and Related Structures Construction
237210	Land Subdivision
237310	Highway, Street, and Bridge Construction
237990	Other Heavy and Civil Engineering Construction
237990	Dredging and Surface Cleanup Activities
238000	Specialty Trade Contractors
238110	Poured Concrete Foundation and Structure Contractors
238120	Structural Steel and Precast Concrete Contractors
238130	Framing Contractors
238140	Masonry Contractors
238150	Glass and Glazing Contractors
238160	Roofing Contractors
238170	Siding Contractors
238190	Other Foundation, Structure, and Building Exterior Contractors
238210	Electrical Contractors
238220	Plumbing, Heating, and Air-Conditioning Contractors
238290	Other Building Equipment Contractors
238310	Drywall and Insulation Contractors
238320	Painting and Wall Covering Contractors
238330	Flooring Contractors
238340	Tile and Terrazzo Contractors
238350	Finish Carpentry Contractors
238390	Other Building Finishing Contractors
238910	Site Preparation Contractors
238990	All Other Specialty Trade Contractors
238990	Building and Property Specialty Trade Services

310000	Manufacturing
311000	Food Manufacturing
312000	Beverage and Tobacco Product Manufacturing
313000	Textile Mills
314000	Textile Product Mills
315000	Apparel Manufacturing
315211	Men's and Boys' Cut and Sew Apparel Contractors
315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors
315220	Men's and Boys' Cut and Sew Apparel Manufacturing
315230	Women's and Girls' Cut and Sew Apparel Manufacturing
315299	All Other Cut and Sew Apparel Manufacturing
315999	Other Apparel Accessories and Other Apparel Manufacturing
316000	Leather and Allied Product Manufacturing
316211	Rubber and Plastics Footwear Manufacturing
316213	Men's Footwear (except Athletic) Manufacturing
316214	Women's Footwear (except Athletic) Manufacturing
316219	Other Footwear Manufacturing
321000	Wood Product Manufacturing
322000	Paper Manufacturing
323000	Printing and Related Support Activities
323110	Commercial Lithographic Printing
323111	Commercial Gravure Printing
323112	Commercial Flexographic Printing
323113	Commercial Screen Printing
323114	Quick Printing
323115	Digital Printing
323116	Manifold Business Forms Printing
323117	Books Printing
323118	Blankbook, Loose-leaf Binder and Device Manufacturing
323119	Other Commercial Printing
323121	Tradebinding and Related Work
323122	Prepress Services
324000	Petroleum and Coal Products Manufacturing
324121	Asphalt Paving Mixture and Block Manufacturing
324122	Asphalt Shingle and Coating Materials Manufacturing
325000	Chemical Manufacturing
326000	Plastics and Rubber Products Manufacturing
326211	Tire Manufacturing (except Retreading)
326212	Tire Retreading
326220	Rubber and Plastics Hoses and Belting Manufacturing
326291	Rubber Product Manufacturing for Mechanical Use
326299	All Other Rubber Product Manufacturing
327000	Nonmetallic Mineral Product Manufacturing
331000	Primary Metal Manufacturing
332000	Fabricated Metal Product Manufacturing
332116	Metal Stamping
332322	Sheet Metal Work Manufacturing
332323	Ornamental and Architectural Metal Work Manufacturing
332710	Machine Shops
332721	Precision Turned Product Manufacturing
332996	Fabricated Pipe and Pipe Fitting Manufacturing
333000	Machinery Manufacturing
333120	Construction Machinery Manufacturing
333311	Automatic Vending Machine Manufacturing
333313	Office Machinery Manufacturing

*Note: evidence of State or other licensing is required in order to be classified in this industry, if applicable.

(Rev. 09.05)

California Unified Certification Program
List of NAICS Codes (partial)

333414	Heating Equipment (except Warm Air Furnaces) Manufacturing
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
333514	Special Die and Tool, Die Set, Jig and Fixture Manufacturing
333613	Mechanical Power Transmission Equipment Manufacturing
333618	Other Engine Equipment Manufacturing
333911	Pump and Pumping Equipment Manufacturing
333921	Elevator and Moving Stairway Manufacturing
333922	Conveyor and Conveying Equipment Manufacturing
333923	Overhead Traveling Crane, Hoist and Monorail System Manufacturing
333924	Industrial Truck, Tractor, Trailer and Stacker Machinery Manufacturing
334000	<i>Computer and Electronic Product Manufacturing</i>
334111	Electronic Computer Manufacturing
334112	Computer Storage Device Manufacturing
334113	Computer Terminal Manufacturing
334119	Other Computer Peripheral Equipment Manufacturing
334210	Telephone Apparatus Manufacturing
334220	Radiant Television Broadcasting and Wireless Communications Equipment Manufacturing
334290	Other Communications Equipment Manufacturing
334310	Audio and Video Equipment Manufacturing
334417	Electronic Connector Manufacturing
334418	Printed Circuit Assembly (Electronic Assembly) Mfg
334419	Other Electronic Component Manufacturing
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing
334512	Automatic Environmental Control Manufacturing for Residential, Commercial and Appliance Use
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables
334514	Totalizing Fluid Meter and Counting Device Manufacturing
334518	Watch, Clock, and Part Manufacturing
334519	Other Measuring and Controlling Device Manufacturing
334611	Software Reproducing
334612	Prerecorded Compact Disc (except Software), Tape, and Record Reproducing
334613	Magnetic and Optical Recording Media Manufacturing
335000	<i>Electrical Equipment, Appliance and Component Manufacturing</i>
336000	<i>Transportation Equipment Manufacturing</i>
336112	Light Truck and Utility Vehicle Manufacturing
336120	Heavy Duty Truck Manufacturing
336211	Motor Vehicle Body Manufacturing
336212	Truck Trailer Manufacturing
336311	Carburetor, Piston, Piston Ring and Valve Manufacturing
336312	Gasoline Engine and Engine Parts Manufacturing
336321	Vehicular Lighting Equipment Manufacturing
336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
336340	Motor Vehicle Brake System Manufacturing
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing
336360	Motor Vehicle Seating and Interior Trim Manufacturing
336370	Motor Vehicle Metal Stamping
336391	Motor Vehicle Air-Conditioning Manufacturing
336399	All Other Motor Vehicle Parts Manufacturing

336411	Aircraft Manufacturing
336510	Railroad Rolling Stock Manufacturing
336611	Ship Building and Repairing
336991	Motorcycle, Bicycle and Parts Manufacturing
336999	All Other Transportation Equipment Manufacturing
337000	<i>Furniture and Related Product Manufacturing</i>
337127	Institutional Furniture Manufacturing
337211	Wood Office Furniture Manufacturing
337214	Office Furniture (Except Wood) Manufacturing
337215	Showcase, Partition, Shelving, and Locker Manufacturing
337920	Blind and Shade Manufacturing
339000	<i>Miscellaneous Manufacturing</i>
339111	Laboratory Apparatus and Furniture Manufacturing
339950	Sign Manufacturing
339991	Gasket, Packing, and Sealing Device Manufacturing
420000	<i>Wholesale Trade</i>
423000	<i>Merchant Wholesalers, Durable Goods</i>
423110	Automobile and Other Motor Vehicle Merchant Wholesalers
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers
423130	Tire and Tube Merchant Wholesalers
423140	Motor Vehicle Parts (Used) Merchant Wholesalers
423210	Furniture Merchant Wholesalers
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers
423390	Other Construction Material Merchant Wholesalers
423410	Photographic Equipment and Supplies Merchant Wholesalers
423420	Office Equipment Merchant Wholesalers
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers
423440	Other Commercial Equipment Merchant Wholesalers
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers
423490	Other Professional Equipment and Supplies Merchant Wholesalers
423510	Metal Service Centers and Other Metal Merchant Wholesalers
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
423620	Electrical and Electronic Appliance, Television, and Radio Set Merchant Wholesalers
423690	Other Electronic Parts and Equipment Merchant Wholesalers
423710	Hardware Merchant Wholesalers
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers
423740	Refrigeration Equipment and Supplies Merchant Wholesalers
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers
423830	Industrial Machinery and Equipment Merchant Wholesalers
423840	Industrial Supplies Merchant Wholesalers
423850	Service Establishment Equipment and Supplies Merchant Wholesalers
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
423930	Recyclable Material Merchant Wholesalers
423940	Other Miscellaneous Durable Goods Merchant Wholesalers

California Unified Certification Program
List of NAICS Codes (partial)

424000	<i>Merchant Wholesalers, Nondurable Goods</i>
424110	Printing and Writing Paper Merchant Wholesalers
424120	Stationary and Office Supplies Merchant Wholesalers
424130	Industrial and Personal Service Paper Merchant Wholesalers
424210	Drugs and Druggists' Sundries Merchant Wholesalers
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers
424340	Footwear Merchant Wholesalers
424410	General Line Grocery Merchant Wholesalers
424420	Packaged Frozen Food Merchant Wholesalers
424490	Other Grocery and Related Products Merchant Wholesalers
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers
424690	Other Chemical and Allied Products Merchant Wholesalers
424710	Petroleum Bulk Stations and Terminals
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)
424920	Book, Periodical, and Newspaper Merchant Wholesalers
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers
424940	Tobacco and Tobacco Product Merchant Wholesalers
424950	Paint, Varnish, and Supplies Merchant Wholesalers
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers
425000	Wholesale Electronic Markets and Agents and Brokers
425110	Business to Business Electronic Markets
425120	Wholesale Trade Agents and Brokers
440000	<i>Retail Trade</i>
-	
459999	
441000	<i>Motor Vehicle and Parts Dealers</i>
441110	New Car Dealers
441120	Used Car Dealers
441221	Motorcycle Dealers
441222	Boat Dealers
441229	All Other Motor Vehicle Dealers
441229	Aircraft Dealers, Retail
441310	Automotive Parts and Accessories Stores
441320	Tire Dealers
442000	<i>Furniture and Home Furnishings Stores</i>
442110	Furniture Stores
442210	Floor Covering Stores
442291	Window Treatment Stores
442299	All Other Home Furnishings Stores
443000	<i>Electronics and Appliance Stores</i>
443111	Household Appliance Stores
443112	Radio, Television and Other Electronics Stores
443120	Computer and Software Stores
443130	Camera and Photographic Supplies Stores
444000	<i>Building Material and Garden Equipment and Supplies Dlr's</i>
444110	Home Centers
444120	Paint and Wallpaper Stores
444130	Hardware Stores
444190	Other Building Material Dealers
444210	Outdoor Power Equipment Stores
444220	Nursery and Garden Centers
445000	<i>Food and Beverage Stores</i>

446000	<i>Health and Personal Care Stores</i>
447000	<i>Gasoline Stations</i>
448000	<i>Clothing and Clothing Accessories Stores</i>
448110	Men's Clothing Stores
448120	Women's Clothing Stores
448130	Children's and Infants' Clothing Stores
448140	Family Clothing Stores
448150	Clothing Accessories Stores
448190	Other Clothing Stores
448210	Shoe Stores
448320	Luggage and Leather Goods Stores
451000	<i>Sporting Good, Hobby, Book and Music Stores</i>
451211	Book Stores
451212	News Dealers and Newsstands
452000	<i>General Merchandise Store</i>
453000	<i>Miscellaneous Store Retailers</i>
453110	Florists
453210	Office Supplies and Stationery Stores
453220	Gift, Novelty and Souvenir Stores
453310	Used Merchandise Stores
454000	<i>Nonstore Retailers</i>
454111	Electronic Shopping
454112	Electronic Auctions
454113	Mail-Order Houses
454210	Vending Machine Operators
454311	Heating Oil Dealers
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers
454319	Other Fuel Dealers
454390	Other Direct Selling Establishments
480000	<i>Transportation</i>
-	
499999	
481000	<i>Air Transportation</i>
481111	Scheduled Passenger Air Transportation
481112	Scheduled Freight Air Transportation
481211	Nonscheduled Chartered Passenger Air Transportation
481212	Nonscheduled Chartered Freight Air Transportation
481219	Other Nonscheduled Air Transportation
482000	<i>Rail Transportation</i>
483000	<i>Water Transportation</i>
484000	<i>Truck Transportation</i>
484110	General Freight Trucking, Local
484121	General Freight Trucking, Long-Distance, Truckload
484122	General Freight Trucking, Long-Distance, Less Than Truckload
484210	Used Household and Office Goods Moving
484220	Specialized Freight (except Used Goods) Trucking, Local
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance
485000	<i>Transit and Ground Passenger Transportation</i>
485111	Mixed Mode Transit Systems
485112	Commuter Rail Systems
485113	Bus and Motor Vehicle Transit Systems
485119	Other Urban Transit Systems
485210	Interurban and Rural Bus Transportation
485310	Taxi Service
485320	Limousine Service
485410	School and Employee Bus Transportation
485510	Charter Bus Industry

California Unified Certification Program
List of NAICS Codes (partial)

485991	Special Needs Transportation
485999	All Other Transit and Ground Passenger Transportation
486000	<i>Pipeline Transportation</i>
487000	<i>Scenic and Sightseeing Transportation</i>
488000	<i>Support Activities for Transportation</i>
488111	Air Traffic Control
488119	Other Airport Operations
488190	Other Support Activities for Air Transportation
488210	Support Activities for Rail Transportation
488310	Port and Harbor Operations
488320	Marine Cargo Handling
488390	Other Support Activities for Water Transportation
488410	Motor Vehicle Towing
488490	Other Support Activities for Road Transportation
488510	Freight Transportation Arrangement
488991	Packing and Crating
488999	All Other Support Activities for Transportation
491000	<i>Postal Service</i>
492000	<i>Couriers and Messengers</i>
492110	Couriers
492210	Local Messengers and Local Delivery
493000	<i>Warehousing and Storage</i>
493110	General Warehousing and Storage
493120	Refrigerated Warehousing and Storage
493190	Other Warehousing and Storage
510000	Information
511000	<i>Publishing Industries (except Internet)</i>
511110	Newspaper Publishers
511120	Periodical Publishers
511130	Book Publishers
511140	Directory and Mailing List Publishers
511199	All Other Publishers
511210	Software Publishers
512110	Motion Picture and Video Production
512191	Teleproduction and Other Postproduction Services
512199	Other Motion Picture and Video Industries
512210	Record Production
512220	Integrated Record Production/Distribution
512240	Sound Recording Studios
512290	Other Sound Recording Industries
515000	<i>Broadcasting (except Internet)</i>
515111	Radio Networks*
515112	Radio Stations*
515120	Television Broadcasting*
515210	Cable and Other Subscription Programming
516000	<i>Internet Publishing and Broadcasting</i>
516110	Internet Publishing and Broadcasting
517000	<i>Telecommunications</i>
517110	Wired Telecommunications Carriers
517211	Paging
517212	Cellular and Other Wireless Telecommunications
517310	Telecommunications Resellers
517410	Satellite Telecommunications
517510	Cable and Other Program Distribution
517910	Other Telecommunications
	<i>Internet Service Providers, Web Search Portals, and Data Processing Services</i>
518000	
518111	Internet Service Providers

518112	Web Search Portals
518210	Data Processing, Hosting, and Related Services
519000	<i>Other Information Services</i>
519110	News Syndicates
519120	Libraries and Archives
519190	All Other Information Services
520000	Finance and Insurance*
522000	<i>Credit Intermediation and Related Activities</i>
522220	Sales Financing
522291	Consumer Lending
522292	Real Estate Credit
522298	All Other Non-Depository Credit Intermediation
522310	Mortgage and Nonmortgage Loan Brokers
	Financial Transactions Processing, Reserve, and Clearing House Activities
522320	
522390	Other Activities Related to Credit Intermediation
523000	<i>Financial Investments and Related Activities</i>
523110	Investment Banking and Securities Dealing
523120	Securities Brokerage
523130	Commodity Contracts Dealing
523140	Commodity Contracts Brokerage
523910	Miscellaneous Intermediation
523920	Portfolio Management
523930	Investment Advice
523991	Trust, Fiduciary and Custody Activities
523999	Miscellaneous Financial Investment Activities
524000	<i>Insurance Carriers and Related Activities</i>
524113	Direct Life Insurance Carriers
524114	Direct Health and Medical Insurance Carriers
524126	Direct Property and Casualty Insurance Carriers
524127	Direct Title Insurance Carriers
	Other Direct Insurance (except Life, Health and Medical) Carriers
524128	
524130	Reinsurance Carriers
524210	Insurance Agencies and Brokerages
524291	Claims Adjusting
524292	Third Party Administration of Insurance and Pension Funds
524298	All Other Insurance Related Activities
525000	<i>Funds, Trusts and Other Financial Vehicles</i>
525110	Pension Funds
525120	Health and Welfare Funds
525190	Other Insurance Funds
525910	Open-End Investment Funds
525920	Trusts, Estates, and Agency Accounts
525930	Real Estate Investment Trusts
525990	Other Financial Vehicles
530000	Real Estate and Rental and Leasing
531000	<i>Real Estate</i>
531120	Lessors of Nonresidential Buildings (except Miniwarehouses)
531130	Lessors of Miniwarehouses and Self Storage Units
531190	Lessors of Other Real Estate Property
531210	Offices of Real Estate Agents and Brokers*
531312	Nonresidential Property Managers
531320	Offices of Real Estate Appraisers*
531390	Other Activities Related to Real Estate
532000	<i>Rental and Leasing Services</i>
532111	Passenger Car Rental
532112	Passenger Car Leasing

California Unified Certification Program
List of NAICS Codes (partial)

532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing
532210	Consumer Electronics and Appliances Rental
532299	All Other Consumer Goods Rental
532310	General Rental Centers
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing
532412	Construction, Mining and Forestry Machinery and Equipment Rental and Leasing
532420	Office Machinery and Equipment Rental and Leasing
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing
533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)

540000 Professional, Scientific and Technical Services

541110	Offices of Lawyers*
541191	Title Abstract and Settlement Offices
541199	All Other Legal Services
541211	Offices of Certified Public Accountants*
541213	Tax Preparation Services*
541214	Payroll Services
541219	Other Accounting Services
541310	Architectural Services*
541320	Landscape Architectural Services*
541330	Engineering Services*
541340	Drafting Services
541340	Map Drafting
541350	Building Inspection Services
541360	Geophysical Surveying and Mapping Services*
541370	Surveying and Mapping (except Geophysical) Services*
541380	Testing Laboratories
541410	Interior Design Services
541420	Industrial Design Services
541430	Graphic Design Services
541490	Other Specialized Design Services
541511	Custom Computer Programming Services
541512	Computer Systems Design Services
541513	Computer Facilities Management Services
541519	Other Computer Related Services
541611	Administrative Management and General Management Consulting Services
541612	Human Resources and Executive Search Consulting Services
541613	Marketing Consulting Services
541614	Process, Physical Distribution and Logistics Consulting Services
541618	Other Management Consulting Services
541620	Environmental Consulting Services
541690	Other Scientific and Technical Consulting Services
541710	Research and Development in the Physical, Engineering, and Life Sciences
541720	Research and Development in the Social Sciences and Humanities
541810	Advertising Agencies
541820	Public Relations Agencies
541830	Media Buying Agencies
541840	Media Representatives
541850	Display Advertising
541860	Direct Mail Advertising
541870	Advertising Material Distribution Services

541890	Other Services Related to Advertising
541910	Marketing Research and Public Opinion Polling
541922	Commercial Photography
541930	Translation and Interpretation Services
541990	All Other Professional, Scientific and Technical Services

550000 Management of Companies and Enterprises

551111	Offices of Bank Holding Companies
551112	Offices of Other Holding Companies

560000 Administrative and Support Services

561000	Administrative and Support Services
561110	Office Administrative Services
561210	Facilities Support Services
561210	Base Maintenance
561310	Employment Placement Agencies
561320	Temporary Help Services
561330	Employee Leasing Services
561410	Document Preparation Services
561421	Telephone Answering Services
561422	Telemarketing Bureaus
561431	Private Mail Centers
561439	Other Business Service Centers (including Copy Shops)
561440	Collection Agencies
561450	Credit Bureaus
561491	Repossession Services
561492	Court Reporting and Stenotype Services
561499	All Other Business Support Services
561510	Travel Agencies
561520	Tour Operators
561599	All Other Travel Arrangement and Reservation Services
561611	Investigation Services
561612	Security Guards and Patrol Services*
561613	Armored Car Services
561621	Security Systems Services (except Locksmiths)
561622	Locksmiths
561710	Exterminating and Pest Control Services*
561720	Janitorial Services
561730	Landscaping Services*
561740	Carpet and Upholstery Cleaning Services
561790	Other Services to Buildings and Dwellings
561910	Packaging and Labeling Services
561920	Convention and Trade Show Organizers
561990	All Other Support Services
562000	Waste Management and Remediation Services
562111	Solid Waste Collection
562112	Hazardous Waste Collection*
562119	Other Waste Collection
562211	Hazardous Waste Treatment and Disposal*
562219	Other Nonhazardous Waste Treatment and Disposal
562910	Remediation Services
562910	Environmental Remediation Services
562920	Materials Recovery Facilities
562998	All Other Miscellaneous Waste Management Services

610000 Educational Services

611410	Business and Secretarial Schools
611420	Computer Training
611430	Professional and Management Development Training
611512	Flight Training

California Unified Certification Program
List of NAICS Codes (partial)

611513	Apprenticeship Training
611519	Other Technical and Trade Schools
611630	Language Schools
611691	Exam Preparation and Tutoring
611692	Automobile Driving Schools
611699	All Other Miscellaneous Schools and Instruction
611710	Educational Support Services

620000 Health Care and Social Assistance*

621000	<i>Ambulatory Health Care Services</i>
621110	Offices of Physicians
621210	Offices of Dentists
621310	Offices of Chiropractors
621320	Offices of Optometrists
621330	Offices of Mental Health Practitioners (except Physicians)
621340	Offices of Physical, Occupational and Speech Therapists and Audiologists
621391	Offices of Podiatrists
621399	Offices of All Other Miscellaneous Health Practitioners
621410	Family Planning Centers
621420	Outpatient Mental Health and Substance Abuse Centers
621492	Kidney Dialysis Centers
621493	Freestanding Ambulatory Surgical and Emergency Centers
621498	All Other Outpatient Care Centers
621511	Medical Laboratories
621512	Diagnostic Imaging Centers
621610	Home Health Care Services
621910	Ambulance Services
621999	All Other Miscellaneous Ambulatory Health Care Services—
622000	<i>Hospitals</i>
623000	<i>Nursing and Residential Care Facilities</i>
624000	<i>Social Assistance</i>
624110	Child and Youth Services
624120	Services for the Elderly and Persons with Disabilities
624190	Other Individual and Family Services
624210	Community Food Services
624221	Temporary Shelters
624229	Other Community Housing Services
624230	Emergency and Other Relief Services
624310	Vocational Rehabilitation Services
624410	Child Day Care Services

710000 Arts, Entertainment and Recreation

711000	Performing Arts, Spectator Sports and Related Industries
712000	Museums, Historical Sites and Similar Institutions
713000	Amusement, Gambling and Recreation Industries

720000 Accommodation and Food Services

721000	<i>Accommodation</i>
722000	<i>Food Services and Drinking Places</i>
722110	Full-Service Restaurants
722211	Limited-Service Restaurants
722212	Cafeterias
722213	Snack and Nonalcoholic Beverage Bars
722310	Food Service Contractors
722320	Caterers
722330	Mobile Food Services
722410	Drinking Places (Alcoholic Beverages)

810000	Other Services
811000	<i>Repair and Maintenance</i>
811111	General Automotive Repair
811112	Automotive Exhaust System Repair
811113	Automotive Transmission Repair
811118	Other Automotive Mechanical and Electrical Repair and Maintenance
811121	Automotive Body, Paint and Interior Repair and Maintenance
811122	Automotive Glass Replacement Shops
811191	Automotive Oil Change and Lubrication Shops
811192	Car Washes
811198	All Other Automotive Repair and Maintenance
811211	Consumer Electronics Repair and Maintenance
811212	Computer and Office Machine Repair and Maintenance
811213	Communication Equipment Repair and Maintenance
811219	Other Electronic and Precision Equipment Repair and Maintenance
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
811411	Home and Garden Equipment Repair and Maintenance
811412	Appliance Repair and Maintenance
811420	Reupholstery and Furniture Repair
811430	Footwear and Leather Goods Repair
812000	<i>Personal and Laundry Services</i>
812320	Drycleaning and Laundry Services (except Coin-Operated)
812331	Linen Supply
812332	Industrial Launderers
812921	Photo Finishing Laboratories (except One-Hour)
812922	One-Hour Photo Finishing
812930	Parking Lots and Garages
813000	<i>Religious, Grantmaking, Civic, Professional and Similar Organizations</i>

The following internal codes are not NAICS codes, and are to be used only by Airport Concessionaires

999xxx	Airport Concessions
999000	Airport Concessionaire - Food and Beverage
999001	Airport Concessionaire - Book Stores
999002	Airport Concessionaire - Auto Rental
999003	Airport Concessionaire - Banks
999004	Airport Concessionaire - Hotels and Motels
999005	Airport Concessionaire - Insurance Machines and Counters
999006	Airport Concessionaire - Gift, Novelty, and Souvenir Shop
999007	Airport Concessionaire - Newstands
999008	Airport Concessionaire - Shoe Shine Stands
999009	Airport Concessionaire - Barber Shops
999010	Airport Concessionaire - Automobile Parking
999011	Airport Concessionaire - Jewelry Store
999012	Airport Concessionaire - Advertising
999013	Airport Concessionaire - Luggage Cart
999014	Airport Concessionaire - Nail Salons
999015	Airport Concessionaire - Private Mail Centers

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



Roster of Certifying Agencies

Note: If you received this information on hard copy, the California Unified Certification Program Application Package is available on the website at http://www.dot.ca.gov/hq/bep/business_forms.htm.

If the firm has its principal place of business in another state and is currently certified in that state, please contact the California Department of Transportation in the Northern Cluster.

<i>Southern Cluster</i>			
Area	Counties	Certifying Agencies	
Riverside, Imperial & San Diego (RIS)	Imperial Riverside San Diego	CITY OF SAN DIEGO Equal Opportunity Contracting Program 1010 Second Avenue, #500 San Diego, CA 92101 Phone: (619) 533-4492 Fax: (619) 533-4474 www.sandiego.gov	<u>AIRPORT CONCESSIONS ON SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY</u> Small Business Development Department P.O. Box 82776 San Diego, CA 92138-2776 Phone: (619) 400-2569 Fax: (619) 400-2566 www.san.org

California Unified Certification Program
List of NAICS Codes (partial)

Los Angeles Area	Kern Los Angeles Orange San Bernardino San Luis Obispo Santa Barbara Ventura	CITY OF LOS ANGELES Office of Contract Compliance 600 South Spring St., Suite 1300 Los Angeles, CA 90014 Phone: (213) 847-6480 Fax: (213) 847-5566 www.lacity.org/bca	ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) Small Business Programs 550 South Main Street P.O. Box 14184 Orange, CA 92863-1584 Phone: (714) 560-5620 Fax: (714) 560-5792 www.octa.net LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO) Diversity and Economic Opportunity Department One Gateway Plaza Los Angeles, CA 90012 Phone: (213) 922-2600 Fax: (213) 922-7660 www.mta.net
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* *List of agencies subject to change*

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California Unified Certification Program
List of NAICS Codes (partial)

Roster of Certifying Agencies

Northern Cluster		
Area	Counties	Certifying Agencies
Bay Area/ Central Valley	Alameda	BART
	Amador	S.F. BAY AREA RAPID TRANSIT DISTRICT (BART)
	Calaveras	300 Lakeside Drive
	Contra Costa	18 th Floor
	Fresno	Oakland, CA 94612
	Kings	Phone: (510) 464-7580
	Madera	Fax: (510) 464-7587
	Marin	www.bart.gov
	Mariposa	CITY OF FRESNO
	Merced	DBE Program
	Monterey	2101 G Street, Building A
	Napa	Fresno, CA 93706
	San Benito	Phone: (559) 621-1182
	San Francisco	Fax: (559) 488-1069
	San Joaquin	www.ci.fresno.ca.us
	San Mateo	SANTA CLARA VALLEY
	Santa Clara	TRANSPORTATION AUTHORITY (VTA)
	Santa Cruz	Small & Disadvantaged Businesses
	Solano	3331 North First Street
	Sonoma	San Jose, CA 95134- 1906
	Stanislaus	Phone: (408) 321-5962
	Tulare	Fax: (408) 955-9729
	Tuolumne	www.vta.org
		CENTRAL CONTRA COSTA TRANSIT AUTHORITY (CCCTA)
		Office of Civil Rights
		2477 Arnold Industrial Way
		Concord, CA 94520-5327
		Phone: (925) 676-1976
		Fax: (925) 686-2630
		www.cccta.org
		SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY (SFMTA)
		1 South Van Ness Avenue, 3rd Floor
		San Francisco, CA 94103
		Phone: (415) 701-4443
		Fax: (415) 701-4347
		www.sfmuni.com
		SAN MATEO COUNTY TRANSIT DISTRICT (SAMTRANS)/ PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)
		DBE Office
		1250 San Carlos Avenue
		San Carlos, CA 94070
		Phone: (650) 508-7939
		Fax: (650) 508-7738
		www.samtrans.com
		<u>AIRPORT CONCESSIONS ONLY:</u>
		SAN FRANCISCO INTERNATIONAL AIRPORT
		Airport Minority/Women Opportunit
		P.O. Box 8097
		San Francisco, CA 94128
		Phone: (650) 821-5021
		Fax: (650) 821-5146
		www.flysfo.com

*Note: evidence of State or other licensing is required in order to be classified in this industry, if applicable.

California Unified Certification Program
List of NAICS Codes (partial)

Northern California	Alpine Butte Colusa Del Norte El Dorado Glenn Humboldt Inyo Lake Lassen Mendocino Modoc Mono	Nevada Placer Plumas Sacramento Shasta Sierra Siskiyou Sutter Tehama Trinity Yolo Yuba	CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) Civil Rights MS 79 1823 14 th Street Sacramento, CA 95814 Phone: (916) 324-1700 or (866) 810-6346 Fax: (916) 324-1862 www.dot.ca.gov	YOLO COUNTY TRANSPORTATION DISTRICT (YOLOBUS) DBE Programs 350 Industrial Way Woodland, CA 95776 Phone: (530) 661-0816 Fax: (530) 661-1732 www.yctd.org
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(Rev. 09.05)

Attachment F

California Unified Certification (CUCP) **Renewal Application**



CALIFORNIA
UNIFIED CERTIFICATION PROGRAM

**DBE
RENEWAL
APPLICATION**

PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code Sections 1798, et. seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to the IPA Officer.

1. NAME OF FIRM		2. FILE NUMBER	
FIRM'S ADDRESS (Physical) CODE		CITY	STATE ZIP
FIRM'S ADDRESS (Mailing)		CITY	STATE ZIP CODE
3. MAJORITY OWNER(S)	4. BUSINESS PHONE	BUSINESS FAX	
5. IS THE BUSINESS STREET ADDRESS OR PHONE NUMBER THE SAME AS THE RESIDENCE?		YES	NO
6. HAS THE OWNERSHIP OR CONTROL OF THE COMPANY CHANGED?		YES	NO
If Yes, please call the phone number below to obtain a complete Certification Application or access Caltrans' Internet Address at: www.dot.ca.gov/hq/bep to download the application.			
7. NAME OF LICENSEE	LICENSE NUMBER - PLEASE SUBMIT COPY OF CURRENT LICENSE(S)		
8. INDICATE THE COMPANY'S GROSS RECEIPTS FOR THE LAST YEAR:		YEAR ENDING	
		\$	
9. NUMBER OF CURRENT EMPLOYEES:		FULL TIME	PART TIME
10. DOES THE COMPANY SHARE SPACE, EMPLOYEES, EQUIPMENT OR FINANCING WITH ANY OTHER COMPANY?		YES	IF YES, EXPLAIN IN A SEPARATE ATTACHMENT NO
11. HAVE THE OFFICEHOLDERS OF THE COMPANY CHANGED?		YES NO	IF YES, EXPLAIN IN A SEPARATE ATTACHMENT
12. HAS THE BOARD OF DIRECTORS CHANGED?	NAME OF CHAIRMAN		
YES NO			
13. Are you currently certified with any other agencies as a DBE?		YES NO	If yes, attach copy(ies) of certificate(s)
14. SUBMIT THE FOLLOWING DOCUMENTS FOR: (Failure to submit documents requested with this application may result in the expiration of your certification)			
SOLE PROPRIETOR:		MOST RECENTLY FILED 1040 TAX FORM WITH ALL SCHEDULES	
PARTNERSHIP:		1) MOST RECENTLY FILED 1065 TAX FORM; 2) MOST RECENTLY FILED 1040 TAX FORMS WITH ALL SCHEDULES; 3) MINUTES	
CORPORATION:		1) MOST RECENTLY FILED 1120 TAX FORM; 2) MOST RECENTLY FILED 1040 TAX FORMS WITH ALL SCHEDULES; 3) MINUTES	
LIMITED LIABILITY CO.		1) MOST RECENTLY FILED 1065/1120 TAX FORMS; 2) MOST RECENTLY FILED 1040 TAX FORMS WITH ALL SCHEDULES; 3) MINUTES	
15. The undersigned swears, under perjury, that the foregoing statements are true and correct and further states that he/she is properly authorized by,			
Name of Firm		, to execute the affidavit and does so as his/her free act and deed.	
PRINTED NAME		SIGNATURE	
TITLE		DATE	
NOTARY			
The foregoing affidavit was subscribed and sworn to me before me on this _____ day of _____, _____ by			
NAME			
NOTARY PUBLIC _____ COMMISSION EXPIRES _____			

Mail completed application and supporting documentation to:

NOTARY PUBLIC SEAL

DEPARTMENT OF TRANSPORTATION
CIVIL RIGHTS- 79
1823 14TH STREET
SACRAMENTO, CA 95814

Should you have any questions, please call 916 324-1700



OMB APPROVAL NO. 3245-0188
EXPIRATION DATE: 11/30/2004

PERSONAL FINANCIAL STATEMENT

U.S. SMALL BUSINESS ADMINISTRATION

As of _____, _____

Complete this form for: (1) each proprietor, or (2) each limited partner who owns 20% or more interest and each general partner, or (3) each stockholder owning 20% or more of voting stock, or (4) any person or entity providing a guaranty on the loan.

Name	Business Phone
Residence Address	Residence Phone
City, State, & Zip Code	
Business Name of Applicant	

ASSETS	(Omit Cents)	LIABILITIES	(Omit Cents)
Cash on hand & in Banks	\$	Accounts Payable	\$
Savings Accounts	\$	Notes Payable to Banks and Others	\$
IRA or Other Retirement Account	\$	(Describe in Section 2)	
Accounts & Notes Receivable	\$	Installment Account (Auto)	\$
Life Insurance-Cash Surrender Value Only	\$	Mo. Payments \$	
(Complete Section 8)		Installment Account (Other)	\$
Stocks and Bonds	\$	Mo. Payments \$	
(Describe in Section 3)		Loan on Life Insurance	\$
Real Estate	\$	Mortgages on Real Estate	\$
(Describe in Section 4)		(Describe in Section 4)	
Automobile-Present Value	\$	Unpaid Taxes	\$
Other Personal Property	\$	(Describe in Section 6)	
(Describe in Section 5)		Other Liabilities	\$
Other Assets	\$	(Describe in Section 7)	
(Describe in Section 5)		Total Liabilities	\$
Total	\$	Net Worth	\$
		Total	\$

Section 1. Source of Income

Salary	\$
Net Investment Income	\$
Real Estate Income	\$
Other Income (Describe below)*	\$

Contingent Liabilities

As Endorser or Co-Maker	\$
Legal Claims & Judgments	\$
Provision for Federal Income Tax	\$
Other Special Debt	\$

Description of Other Income in Section 1.

*Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

Name and Address of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

Description of Other Income in Section 1.

*Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed).

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

Section 4. Real Estate Owned.

(List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)

	Property A	Property B	Property C
Type of Property			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

Section 5. Other Personal Property and Other Assets. (Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency)**Section 6. Unpaid Taxes.** (Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)**Section 7. Other Liabilities.** (Describe in detail.)**Section 8. Life Insurance Held.** (Give face amount and cash surrender value of policies - name of insurance company and beneficiaries)

I authorize SBA/Lender to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the U.S. Attorney General (Reference 18 U.S.C. 1001).

Signature: Date: Social Security Number:

Signature: Date: Social Security Number:

PLEASE NOTE: The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information, please contact Chief, Administrative Branch, U.S. Small Business Administration, Washington, D.C. 20416, and Clearance Officer, Paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. PLEASE DO NOT SEND FORMS TO OMB.

Instructions to complete Personal Financial Statement (SBA Form 413) for the California Unified Certification Program:

1. Fill out all line items to the best of your ability. Be sure to include the DATE in the upper right corner of the First page.
2. Include all of your and, if applicable, your spouse's assets and liabilities.
3. Assets that must be included are real property (includes rental or vacation homes), personal property wherever located (includes household goods, collectibles, clothing and jewelry), other businesses, vehicles, boats, trailers, cash, bank accounts, stocks, bonds, retirement accounts, insurance policies and any other assets where you have an ownership interest.
4. Complete Section 4 for all of your real estate. Be sure to include and identify which is your primary residence.
5. For married individuals, list both names and all property, including both community and separate property. Complete Section 5 to identify separate property for each spouse.
6. Describe other assets, other property, and other liabilities in detail. Include your equity in your business also, under Other Assets, and then itemize all Other Assets in Section 5.
7. Market values for items such as real estate, other assets and other property should be as accurate as possible to their value as of the above date.
8. If necessary, use additional sheet(s) of paper to report all information and details.
9. To compute **Net Worth**, first add all liabilities and put that figure in the Total Liabilities line, then subtract Total Liabilities from Total Assets to get your **Net Worth**.
10. To determine economic disadvantage eligibility, your **Net Worth** amount will be adjusted by the following to obtain an Adjusted Net Worth figure (see worksheet below).
 - Exclusion of an individual's ownership interest in the applicant firm;
 - Exclusion of an individual's equity in his or her primary residence;
 - Deduction of tax and interest penalties that would accrue if retirement savings or investments (e.g., pension plans, Individual Retirement Accounts, 401(k) accounts, etc.) were distributed at the present time.
 - **For airport concessionaire only:** Exclusion of other assets documented to be necessary to obtain financing or a franchise agreement for the initiation, support, or expansion of an airport concession, to a maximum of \$3 million.

An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse. If your Adjusted Net Worth exceeds the \$750,000 cap and you, individually, or you and other individuals are the majority owners of an applicant firm, the firm is not eligible for DBE certification. If the Adjusted Net Worth of the majority owner(s) exceeds the \$750,000 cap at any time after your firm is certified, the firm is no longer eligible for certification. Should that occur, it is your responsibility to contact your certifying agency in writing to advise the firm no longer qualifies.

Adjusted Net Worth Worksheet:

Net Worth (less one-half of community property, if applicable) \$ _____

Less: ① ownership interest in applicant firm (_____)

② equity in primary residence (_____)

_____ ③ tax and interest penalties on retirement accounts (_____)

Adjusted Net Worth Total.....\$ _____

11. Be sure to sign, and date at the end of the statement. If you have any questions or would like assistance in completing this form, please contact one of the certifying agencies on the enclosed Roster.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$750,000, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Executed on _____ (Date)

Signature _____
(DBE Applicant)

NOTARY CERTIFICATE

Attachment G

Sample California Unified Certification
(CUCP) Certificate

CALIFORNIA UNIFIED CERTIFICATION PROGRAM

DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATE

Owner :
Business Structure : CORPORATION

This certificate acknowledges that said firm is approved by the California Unified Certification Program (CUCP) as a Disadvantaged Business Enterprise (DBE) as defined by the U.S. Department of Transportation (DOT) CFR 49 Part 26, as may be amended, for the following NAICS codes:

NAICS Code(s) * Indicates primary NAICS code

* 541330 Engineering Services

541618 Other Management Consulting Services

Work Category Code(s)

C8700 CONSULTANT

C8702 MANAGEMENT INFORMATION SYSTEMS

C8707 FEASIBILITY STUDIES

C8701 BUSINESS ADMINISTRATION

C8703 TRAFFIC ENGINEER

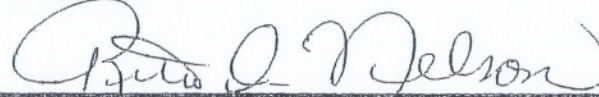
C8716 ARCHITECTURAL ENGINEER

Licenses

CERTIFYING AGENCY:

DEPARTMENT OF TRANSPORTATION
1823 14TH STREET, MS 79
SACRAMENTO, CA 95814 0000
(916) 324-1700

UCP Firm Number :



CUCP OFFICER

April 13, 2006

Attachment H

California Unified Certification Program

(CUCP) On-Site Evaluation Report Form

**CALIFORNIA UNIFIED
CERTIFICATION PROGRAM (CUCP)**



DEPARTMENT OF TRANSPORTATION

1823 - 14TH STREET, MS-79
SACRAMENTO, CA 95814
Phone (916) 324-1700
Toll Free (866) 810-6346
Fax (916) 324-1949
TTY (916) 324-2252

ON-SITE EVALUATION REPORT FORM

File Number:

Firm Name:

Owner's Name:

Address:

Date & Time:

Agency Conducting Site Visit:

UCP Representative Preparing Report:

Taped:

Pictures:

Type of building:

Firm listed in lobby directory?

Firm sign on door/front?

Entrance Description:

Recommendation:

Reason for recommendation:

Approved by Manager: _____ Date:

Unified Certification Program of California

SITE VISIT QUESTIONNAIRE

Be detailed and inquisitive. Be sure you know the ethnicity and/or gender of significant owners or personnel.

History:

1. What is the nature of your business? (detailed description needed)
2. When was this business established?
3. What were you doing before that?
4. When did you leave that position?
5. Are you married and, if yes, what does your spouse do?
6. What did the other owners and managers do before the business was established?
7. When did they leave that position?
8. Are they married and, if yes, what do their spouses do?
9. Where was the business located when you started?
10. When and where did the business move to, and when to this location?
11. How much did you invest when you started?

- a. Please describe how that was done. Have you provided us with proof?
 - b. Was the investment from joint funds with your spouse?
 - c. Do you have a copy of your first bank statement showing all deposits?
Can we obtain a copy?
12. How much did the other owners invest in the business? How did they invest (by check, equipment, etc.)?
- Has anyone else invested in the firm?
13. Are you involved in any other businesses?
- If yes, please tell us about those businesses, including its name, type and location, owners with their ethnicity and gender, relationship to (including sharing of facilities, employees, and equipment) and contracts with this business, annual revenues, no. of employees, etc.
14. Are the other owners or managers involved in any other businesses?
- If yes, please tell us the information requested in #5.
15. Have there been any ownership changes since you started?
Please explain in detail, such as when, between whom, the amount and nature of payment, etc.
16. Do you or the others have any relatives who work in the business?
- If yes, who are they, what are their positions, and are they minority or female?

Management:

1. What are your daily responsibilities? **Describe in detail.**

2. What are the others' daily responsibilities? **Describe in detail.**
3. How many employees do you have?
 - a. What positions do they hold? (Manger, secretary, laborer, etc.)
 - b. Are any of them employed by any other firms?
If yes, please give details.
4. Who does your bookkeeping?
5. How many square feet do you have here?
What type of facilities do you have (shop, office, storage, etc.)?
Do you have any other facilities?
Please describe in detail.
6. What major equipment do you have? (request list for file if none has been provided)

Where do you keep them?
7. Are you involved in any joint ventures?
8. Do you have any representative agreements with other firms?

If yes, please describe in detail. With whom, for what, ownership, location, etc.?

8. Who is your landlord here?

a. At the other locations you work out of?

9. Are there any other businesses operating from this office?

If yes, please tell us about those businesses, ownership, type, etc.

10. Do you have any technical licenses and, if so, what kind are they?

a. When did the firm acquire its license?

b. Who are the qualifying individuals?

c. When were those licenses issued?

d. If you have the license, did you take the required exams for it?

e. Does anyone else in the firm have any licenses? If yes, what kind, etc.?

11. If incorporated, how many directors do you have on your board of directors and who are they, list by ethnicity and gender?

Financial:

1. How much in sales did you do last year?

How much in sales have you done this fiscal year to date?

2. Do you maintain business insurance policies?

What kind and how much in liability do you carry?

3. Do you use surety bonding (construction firms)?

a. If yes, how much is your bonding capacity?

b. What was your largest one used?

3. Do you have any business loans? (Get details)

a. With whom?

b. How much?

c. For What purpose?

d. Balance owed?

Lines of credit?

a. With whom?

b. What is the limit?

c. For What purpose?

d. Balance owed?

4. Equipment/vehicles leases or loans?

a. With whom?

b. For what equipment?

c. How much?

5. Loans to or from shareholders?

a. With whom?

b. How much?

6. Who has the authority to sign checks?

Are there any restrictions, such as more than one signature required?

Marketing:

1. Who are some of your major clients?

2. What are some of your major projects or sales on-hand with client, amount, scope of work, and are you a prime or sub?

	<u>Client/owner</u>	<u>Project & Scope</u>	<u>Amt</u>	<u>Sub/prime</u>
a.				
b.				
c.				

3. Are you usually a prime contractor or sub?

What percentage of each do you perform?

4. How much of your work do you subcontract out?

5. What types of work?

6. How do you find your projects/clients?

7. Who does your marketing/sales?

8. Who does your estimating? (For construction firms)

a. Describe how the estimating is done?

b. Who signs the contracts?

9. What percentage, of your contracted jobs are government-related, including local, state and federal?
10. Are you certified by any other public agencies as a DBE/MBE/WBE? Ever denied certification? Please give details.

Documents:

Review and record at least two months of bank statements and canceled checks.

1. Bank Statement to: (name of firm, address)
Bank:
For period ending:
Deposits (# and \$):
Withdrawals (# and \$):
Balance: \$

Checks (#): --if checks do not correspond to bank statement, set off in another number and record time period or dates. --record all major checks, including checks to owners or significant personnel and to affiliates.

<u>To whom</u>	<u>amount</u>	<u>signed by</u>
----------------	---------------	------------------

Other checks to or for: (payroll, rent, etc.)

2. Bank Statement to: (name of firm, address)
Bank:
For period ending:
Deposits (# and \$):
Withdrawals (# and \$):
Balance: \$

Checks (#): --if checks do not correspond to bank statement, set off in another number and record time period or dates. --record all major checks, including checks to owners or significant personnel and to affiliates.

<u>To whom</u>	<u>amount</u>	<u>signed by</u>
----------------	---------------	------------------

Other checks to or for: (payroll, rent, etc.)

Contract Document Review

1. Contract/Agreement between:

Projects:
Services:
Date:
Amount: \$
Signed by:

2. Contract/Agreement between:

Projects:
Services:
Date:
Amount: \$
Signed by:

3. Contract/Agreement between:

Projects:
Services:
Date:
Amount: \$
Signed by:

7. Payroll Record:
Type of payroll document (journal, DE6, etc.):
Dates:
Frequency:
Total No. of employees on record:
Key employees:

Name	gross/mo.
------	-----------

Tour:

Other related firms listed and where?

Room/area and contents:
Room/area and contents:
Room/area and contents:
Room/area and contents:
Room/area and contents:
Room/area and contents:
Room/area and contents:

At this time, we discussed the certification procedures and eligibility criteria, then concluded the site visit.

Attachment I

DBE Race-Neutral Implementation Agreement for Local Agencies

**Exhibit 9-A Disadvantaged Business Enterprise Race-Neutral Implementation Agreement for
Local Agencies**

**DISADVANTAGED BUSINESS ENTERPRISE
RACE-NEUTRAL
IMPLEMENTATION AGREEMENT
FOR
LOCAL AGENCIES**

DISADVANTAGED BUSINESS ENTERPRISE RACE-NEUTRAL IMPLEMENTATION AGREEMENT

For the City/County of _____, hereinafter referred to as "RECIPIENT."

I Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR § 26.5.

II OBJECTIVE/POLICY STATEMENT (§26/1. 26/23)

The RECIPIENT intends to receive federal financial assistance from the U. S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, the RECIPIENT will sign the California Department of Transportation's Disadvantaged Business Enterprise Implementation Agreement (hereinafter referred to as Agreement). The RECIPIENT agrees to implement the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan (hereinafter referred to as the DBE Program Plan) as it pertains to local agencies. The DBE Program Plan is based on U.S. Department of Transportation (DOT), 49 CFR, Part 26 requirements.

It is the policy of the RECIPIENT to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also their policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- To ensure that their annual overall DBE participation percentage is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

III Nondiscrimination (§26.7)

RECIPIENT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 on the basis of race, color, sex, or national origin. In administering the local agency components of the DBE Program Plan, the RECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

IV Annual DBE Submittal Form (§26.21)

The RECIPIENT will provide to the Caltrans' District Local Assistance Engineer (DLAE) a completed *Local Agency DBE Annual Submittal Form* (Exhibit 9-B) by June 1 of each year for the following Federal Fiscal Year (FFY). This form includes an Annual Anticipated DBE Participation Level (AADPL), methodology for establishing the AADPL, the name, phone number, and electronic mailing address of the designated DBELO, and the choice of Prompt Pay Provision to be used by the RECIPIENT for the following FFY.

V Race-Neutral Means of Meeting the Annual DBE Goal (§26.51)

RECIPIENT will assist Caltrans to achieve its Overall Statewide DBE Goal by using race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes: any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts). Race-neutral includes, but are not limited to the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs and other small businesses obtain bonding and financing).
3. Providing technical assistance and other services.
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
6. Providing services to help DBEs and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency.
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low.
8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

VI Quotas (§26.43)

RECIPIENT will not use quotas or set-asides in any way in the administration of the local agency component of the DBE Program Plan.

VII DBE Liaison Officer (DBELO) (§26.25)

RECIPIENT has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan, as it pertains to the RECIPIENT, and ensures that the RECIPIENT is fully and properly advised concerning DBE Program Plan matters. [Specify resources available to the DBELO; e.g., the DBELO has a staff of two professional employees assigned to the DBE program on a full-time basis and two support personnel who devote a portion of their time to the program.] The name, address, telephone number, electronic mail address, and an organization chart displaying the DBELO's position in the organization are found in Attachment _____ to this Agreement. This information will be updated annually and included on the DBE Annual Submittal Form.

The DBELO is responsible for developing, implementing, and monitoring the RECIPIENT's requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to determine projected Annual Anticipated DBE Participation Level.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
6. Participates in pre-bid meetings.
7. Advises the CEO/governing body on DBE matters and DBE race-neutral issues.
8. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.

VIII Federal Financial Assistance Agreement Assurance (§26.13)

RECIPIENT will sign the following assurance, applicable to and to be included in all DOT-assisted contracts and their administration, as part of the program supplement agreement for each project.

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR, Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.). [Note – this language is to be used verbatim, as it is stated in §26.13(a).]

IX DBE Financial Institutions (§26.27)

It is the policy of the RECIPIENT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Caltrans' Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

X Directory (§26.31)

RECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's website at www.dot.ca.gov/hq/bep.

XI Required Contract Clauses (§§26.13, 26.29)

RECIPIENT ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

A. CONTRACT ASSURANCE

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

[Note – This language is to be used verbatim, as is stated in §26.13(b). See Caltrans Sample Boiler Plate Contract Documents on the Internet at www.dot.ca.gov/hq/LocalPrograms under "Publications."]

B. PROMPT PAYMENT

Prompt Progress Payment to Subcontractors

A prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The local agency shall include either (1), (2), or (3) of the following provisions [local agency equivalent will need Caltrans approval] in their federal-aid contracts to ensure prompt and full payment of retainage [withheld funds] to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

XII Local Assistance Procedures Manual

The RECIPIENT will advertise, award and administer DOT-assisted contracts in accordance with the most current published Local Assistance Procedures Manual (LAPM).

XIII Bidders List (§26.11)

The RECIPIENT will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of the firms.

XIV Reporting to the DLAE

RECIPIENT will promptly submit a copy of the Local Agency Bidder-DBE Information (Exhibit 15-G or Exhibit 10-O of the LAPM) to the DLAE at the time of execution of consultant or construction contract award.

RECIPIENT will promptly submit a copy of the Final Utilization of DBE participation to the DLAE using Exhibit 17-F of the LAPM immediately upon completion of the contract for each consultant or construction contract.

XV Certification (§26.83(a))

RECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program will participate as DBEs on DOT-assisted contracts.

XVI Confidentiality

RECIPIENT will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

By _____
(Signature)

Phone Number: _____

(Print Name and Title) ADMINISTERING AGENCY
(Authorized Governing Body Representative)

This California Department of Transportation's Disadvantaged Business Enterprise Program Plan Implementation Agreement is accepted by:

Date: _____

[Signature of DLAE]

[Print Name of DLAE]

Distribution: (1) Original – DLAE
(2) Signed copy by the DLAE – Local Agency

Attachment J

Local Agency DBE Annual Submittal Form

Exhibit 9-B Local Agency DBE Annual Submittal Form

TO: CALTRANS DISTRICT _____
District Local Assistance Engineer

The amount of the Annual Anticipated DBE Participation Level (AADPL) and methodology are presented herein, in accordance with Title 49 of the Code of Federal Regulations, Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The City/County/Region of _____,
submits our AADPL information. We have established an AADPL of _____ % for the Federal Fiscal Year
____ / _____, beginning on _____, and ending on _____.

Methodology

[Please explain methodology used. See Chapter 9, Section 9.7 of the Local Assistance Procedures Manual (LAPM) for guidance in developing the AADPL.]

Disadvantaged Business Enterprise Liaison Officer (DBELO)

[Please provide the name, address, phone number, fax number, and electronic mail address of the DBELO for the coming Federal Fiscal Year.]

Prompt Pay

Federal regulation (49 CFR 26.29) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage, kept by the prime contractor or subcontractor, to a subcontractor. (Attached is a listing of the three methods. On the attachment, please designate which prompt payment provision the local agency will use.)

Submitted by:

(Signature of Local Agency Recipient's Chief
Executive Officer)

Date

(Print Name of Local Agency Recipient's Chief
Executive Officer)
Reviewed by Caltrans:

Phone Number

(Signature of Caltrans District Local Assistance Engineer [DLAE])

Date

Distribution: (1) Original -DLAE DBE Annual Submittal Form (05/01/06)
(2) Copy-local agency after signing by DLAE

(Attachment)

Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

- ☐ No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors
- ☐ No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30-days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of: a dispute involving late

Attachment K

DBE Race-Neutral Implementation Agreement

for

Federal Transit Administration Subrecipients

DISADVANTAGED BUSINESS ENTERPRISE
RACE-NEUTRAL
IMPLEMENTATION AGREEMENT
FOR
FEDERAL TRANSIT ADMINISTRATION SUBRECIPIENTS

**INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE
RACE-NEUTRAL IMPLEMENTATION AGREEMENT FOR FEDERAL TRANSIT
ADMINISTRATION SUBRECIPIENTS**

Division of Mass Transportation (DMT) subrecipients of Federal Transit Administration (FTA) funds no longer need to prepare their own Disadvantaged Business Enterprise (DBE) program plan. Instead, subrecipients with contracting opportunities must adhere to the *California State Disadvantaged Business Enterprise Program Plan* as it applies to local agencies. Go to http://www.dot.ca.gov/hq/bep/dbe_program.htm for a copy.

Additionally, subrecipients must submit a *Disadvantaged Business Enterprise Race-Neutral Implementation Agreement for Federal Transit Administration Subrecipients* (Implementation Agreement) by December 31, 2006 to their District Transit Representative (DTR). Read the entire Implementation Agreement before completing. Subrecipients are responsible for complying with the requirements contained therein.

Enter the agency name (Page 1 of 6), DBE Liaison Officer and staffing information (Page 2 of 6), and signature information (Page 6 of 6). These areas are highlighted in grey. Otherwise, do not change or add to the wording of the Implementation Agreement.

Subrecipients need only resubmit the Implementation Agreement should the DBE Liaison Officer change, significant staff changes occur, or the Implementation Agreement is reissued by DMT.

City and County subrecipients complete a *Disadvantaged Business Enterprise Race-Neutral Implementation Agreement For Local Agencies* for Federal Highway Administration funds administered through California Department of Transportation Division of Local Assistance. A copy of the *Disadvantaged Business Enterprise Race-Neutral Implementation Agreement For Local Agencies* may be submitted to your DTR in lieu of the Implementation Agreement; however, references to the *Local Assistance Procedures Manual* and reporting to the District Local Assistance Engineer do not apply to FTA funding. Instead, subrecipients report FTA goal commitment and payment data to their local DTR.

If you have any questions, please contact La Keda Johnson at (916) 657.4373 or Lakeda_Johnson@dot.ca.gov.

DISADVANTAGED BUSINESS ENTERPRISE RACE-NEUTRAL IMPLEMENTATION AGREEMENT for the [REDACTED]; hereinafter referred to as "SUBRECIPIENT".

I Definition of Terms (§26.5)

The terms used in this agreement have the meanings defined in U. S. Department of Transportation (DOT) Title 49 Part 26 of the Code of Federal Regulations (49 CFR 26) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs."

II Objective/Policy Statement (§26.1, 26.23)

The SUBRECIPIENT intends to receive federal financial assistance from the DOT through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, the SUBRECIPIENT will sign the California Department of Transportation's Disadvantaged Business Enterprise Implementation Agreement for Federal Transit Administration Subrecipients. The SUBRECIPIENT agrees to implement the *State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan* (hereinafter referred to as the DBE Program Plan) as it pertains to local agencies. The DBE Program Plan is based on 49 CFR Part 26 requirements.

The SUBRECIPIENT must implement a policy to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It must also be their policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- To ensure that their DBE program is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.

III Nondiscrimination (§26.7)

SUBRECIPIENT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. In administering the local agency components of the DBE Program Plan, the SUBRECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

IV Race-Neutral Means of Meeting the Annual DBE Goal (§26.51)

SUBRECIPIENT will assist Caltrans to achieve its Overall Statewide DBE Goal by race neutral means that may include, but are not limited to the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs and other small businesses obtain bonding and financing).
3. Providing technical assistance and other services.
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
6. Providing services to help DBEs and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency.
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low.
8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

V Quotas (§26.43)

SUBRECIPIENT will not use quotas or set-asides in any way in the administration of the local agency component of the DBE Program Plan.

VI DBE Liaison Officer (DBELO) (§26.25)

SUBRECIPIENT must designate a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan, as it pertains to the SUBRECIPIENT and ensures that the SUBRECIPIENT is fully and properly advised concerning DBE Program Plan matters.

[Specify resources available to the DBELO; e.g., the DBELO has a staff of two professional employees assigned to the DBE program on a full-time basis and two support personnel who devote a portion of their time to the program.] The name, address, telephone number, electronic mail address, and an organization chart displaying the DBELO's position in the organization are found in Attachment _____ to this agreement.

The DBELO is responsible for developing, implementing, and monitoring the SUBRECIPIENT's requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
4. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
5. Participates in pre-bid meetings.
6. Advises the CEO/governing body on DBE matters and DBE race-neutral issues.
7. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
8. Plans and participates in DBE training seminars.
9. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.

VII DBE Financial Institutions (§26.27)

The SUBRECIPIENT must implement a policy to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Information on the availability of such institutions can be obtained from the DBELO. The Caltrans' Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

VIII Directory (§26.31)

SUBRECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's website at www.dot.ca.gov/hq/bep.

IX Required Contract Clauses (§26.13, 26.29)

SUBRECIPIENT ensures that the following clause will be included in each DOT-assisted prime contract:

Contract Assurance

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

[Note – This language is to be used verbatim.]

Prompt Payment

Prompt Progress Payment to Subcontractors

A prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30-days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The SUBRECIPIENT shall include either (1), (2), or (3) of the following provisions [local agency equivalent will need Caltrans approval] in their DOT-assisted contracts to ensure prompt and full payment of retainage (withheld funds) to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the

contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30-days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or

subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30-days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

X Bidders List (§26.11)

The SUBRECIPIENT will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of the firms.

XI Reporting

SUBRECIPIENT will report bidder DBE information to the Division of Mass Transportation (DMT) Procurement Management office prior to execution of contract award.

SUBRECIPIENT will report awards/commitments and actual payment information biannually as requested by DMT.

XII Certification (§26.83(a))

SUBRECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program will participate as DBEs on DOT-assisted contracts.

XIII Confidentiality

SUBRECIPIENT will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

[Redacted Signature Line]

[Signature of Agency's Chief Executive Officer]

Date:

[Redacted Date Line]

[Redacted Name Line]

[Print Name of Agency's Chief Executive Officer]

Phone Number:

[Redacted Phone Number Line]

Disadvantaged Business Enterprise Program

Bidders are advised that, as required by federal law, the California Department of Transportation (Department) has established a statewide overall Disadvantaged Business Enterprise (DBE) Program goal. The Department is required to report to the Federal Transit Administration (FTA) on DBE participation for all FTA-assisted contracts each year so that attainment efforts may be evaluated. In order to ascertain whether the statewide overall DBE goal is being achieved, the Department is tracking DBE participation on all federally assisted contracts.

This project is subject to Title 49 Part 26 of the Code of Federal Regulations (49 CFR 26) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." In order to ensure the Department achieves its federally mandated statewide overall DBE goal, the Department encourages the participation of DBEs, as defined in 49 CFR 26, in the performance of contracts financed in whole or in part with federal funds. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out the applicable requirements of 49 CFR Part 26 in the award and administration of U.S. Department of Transportation assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

Any subcontract entered into as a result of the project shall contain all the provisions of this section.